













The Writings and Speeches of  
Edmund Burke

# The Writings and Speeches of Edmund Burke

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# The Writings and Speeches of Edmund Burke

*General Editor:* Paul Langford

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## VOLUME IV

Party, Parliament, and the Dividing  
of the Whigs  
1780-1794

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EDITED BY

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TEXTUAL EDITOR FOR THE WRITINGS

The Late WILLIAM B. TODD

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This edition is dedicated to the memory of

THOMAS W. COPELAND  
(1907-79)

to whom it owes its conception and in large  
measure the form which it takes. But for  
his death his contribution would have been  
still greater.

This volume is dedicated to the memory of

PAUL LANGFORD  
(1945-2015)

General Editor of the edition, who planned it  
at its outset and guided it to its completion.





## PREFACE

This is the last volume of texts for a new edition of the writings and speeches of Edmund Burke. This edition was planned in the late 1970s. The first volumes to be published, volumes ii and v, made their appearance in 1981. Six more of the nine promised volumes were then issued at intervals up to 2000. Volume iv has, however, remained in limbo for many years, leaving the edition incomplete. In the first instance, this most regrettable delay was caused by the death in 1987 of its initial editor, Donald C. Bryant, Carver Professor of Speech and Dramatic Art at the University of Iowa until his retirement in 1973, and a notable Burke scholar. He was author, among other works, of *Edmund Burke and his Literary Friends* (first published in 1939 and reissued in 1978). At the time of his death his work on volume iv was close to completion. Thereafter, however, the production of the volume encountered prolonged difficulties, which, for better or for worse, were eventually resolved in 2011 by my undertaking the editorship.

This edition of Burke's writings and speeches makes no claims to be comprehensive. So far as the published writings are concerned, it is intended to present all the pieces known to have come from Burke's hand, together with a selection of those in which he can be shown to have collaborated and of those which he intended to print without actually doing so. Thanks to the scholarly labours of the late Professor William B. Todd, the identification and the reproduction of the major works is a relatively straightforward matter, while the existence among the Fitzwilliam MSS. of a substantial number of drafts, fragments, and assorted papers makes it possible to attribute to Burke a small body of additional writings. The speeches, however, raise many more problems. Some of Burke's parliamentary speeches were published with his consent in his own lifetime and for the purposes of this edition have been treated essentially as if they were writings. For the vast majority, however, the only record is a version in a newspaper, in a volume of collected reports of parliamentary debates, or, in a number of cases, the record is provided by the survival in Burke's papers of MS. material relating to a speech. To have reproduced a version of every known Burke speech would have swelled this edition to an enormous size, and much of what was reproduced would have been of doubtful value

## *Preface*

because of the imperfections of the material. This edition has endeavoured to provide full texts for only a relatively small number of Burke speeches. Such speeches are likely to have been of intrinsic importance in themselves or to be in some way characteristic of Burke, as well as being based on a surviving record in which reasonable confidence can be placed. Each volume, however, provides the reader with as full a list as possible of the occasions on which Burke spoke on the theme or period covered in it, together with an indication of the most helpful source for those seeking a text. This list appears as Appendix A.

The availability of Burke's papers has been of fundamental importance for this as for all the volumes of the edition. I am therefore deeply indebted to Olive, Countess Fitzwilliam's Wentworth Settlement Trustees, for allowing access to the collections in the Sheffield Archives and Local Studies Library and the Northamptonshire Record Office.

I inherited from the late Professor Bryant most of the material for an almost complete volume. Inevitably, the long passage of time and the change of editors has meant that the volume has had to be reworked. The selection of items to be reproduced is somewhat different and the notes and other editorial material are mine in almost every case. Nevertheless, Professor Bryant's contribution to the volume is very substantial indeed. I have used his transcriptions, carefully checked at the time by Mrs Rosemary Dawe, for many of the texts reproduced. Over many years Donald Bryant acquired a mastery of the Burke MSS. which enabled him to identify sources connected with many of the items in this volume and he transcribed them with great skill. This work has been invaluable for me, as have been his identifications of many of the allusions to English and Latin literature which were so important a part of Burke's oratory.

It has been both a great pleasure and a privilege to work for many years on this edition with its general editor, Professor Paul Langford. He planned and directed the edition, which is essentially his achievement. His editing of volume ii set the standard which all other editors have endeavoured to follow, and he warmly encouraged me in my undertaking this volume. The bibliographical work for the published items in this as in all the other volumes was done long ago by Professor Todd, to whom I am deeply indebted. The edition as a whole is dedicated to Professor Thomas W. Copeland. I would like also to place on record my personal sense of gratitude to Professor Copeland. He was a benevolent and wise directing presence who, together with Dr John Woods and Mrs Valerie Jobling, made the 'Burke factory' in the Sheffield City Library such a stimulating

## *Preface*

and genial place in the 1960s and 1970s. Such knowledge as I may have acquired about Burke and the craft of editing his work is largely due to them. It has been my great good fortune that my work on this volume has coincided with the writing of two very important studies of Burke by David Bromwich of Yale and Richard Bourke of Queen Mary, University of London. They have been unfailingly generous in reading my material, correcting errors, and suggesting interpretations, to my great profit. Professor F. P. Lock was kind enough to read my Introduction and to make many valuable suggestions for it. Professors Michael Crawford and John North kindly applied their great learning to resolving some of the more intractable of Burke's references to Latin literature. My grosser ineptitudes in computing matters have been patiently alleviated by Paul Assheton. At the Oxford University Press, Stephanie Ireland, Cathryn Steele, and their colleagues have been unstinting in their support. The copy-editing of Jeff New has been of the highest possible standard. Not only has he meticulously put in order a typescript with many deficiencies, but his remarkable knowledge of English poetry has enabled him to identify elusive quotations.

P.J.M.

*Braughing*

October 2014.





# CONTENTS

List of Short Titles	xv
Introduction	i
Sources	35
Notes on Transcription	40
<i>The Texts</i>	
Speech on Dutch War	41
25 January 1781	
Speech on Economical Reform Bill	46
15 February 1781	
Speech on St Eustatius	65
14 May 1781	
Speech on Bill to Amend Marriage Act	94
15 June 1781	
Speech on Address	99
28 November 1781	
Speech on St Eustatius	103
4 December 1781	
Speech on Henry Laurens	116
17 December 1781	
Hints of a Treaty with America	128
[ante 20 March 1782]	
Speech on Fall of North's Ministry	131
20 March 1782	
Memorial on Economical Reform	136
[ante 15 April 1782]	
King's Message on Economical Reform	141
15 April 1782	
Speech on Civil Establishment Bill	142
14 June 1782	
Speech on Change of Ministers	150
9 July 1782	

# Contents

Speech on Preliminary Articles of Peace	157
17 February 1783	
Speech on American Trade Bill	162
7 March 1783	
Speech on Powell and Bembridge	167
21 May 1783	
Speech at Buckinghamshire Meeting	178
20 March 1784	
Speech on Moving Representation	181
14 June 1784	
<i>Representation to His Majesty</i>	188
14 June 1784	
Speech on Parliamentary Reform	215
16 June 1784	
Speech on Transportation of Convicts	226
16 March 1785	
Speech on Transportation of Convicts	229
11 April 1785	
Speech on Parliamentary Reform	232
18 April 1785	
Speech on French Commercial Treaty	235
21 February 1787	
Speech on Motion for a Bill against Forestalling	241
16 May 1787	
Speech on Anniversary of Fox's Election	243
10 October 1787	
Speech on American Loyalists	244
6 June 1788	
Speech on Regency	246
22 December 1788	
Speech on Regency Bill	257
6 February 1789	
Speech on Abolition of the African Slave Trade	271
12 May 1789	
Speech on Abolition of the African Slave Trade	277
21 May 1789	
Speech on Bill for Preservation of Trees	279
28 May 1789	

## Contents

<i>Speech on Army Estimates</i>	281
9 February 1790	
Speech on Repeal of Test and Corporation Acts	306
2 March 1790	
Speech on Catholic Relief Bill	319
1 March 1791	
Speech on Quebec Bill	324
6 May 1791	
Speech on Quebec Bill	351
11 May 1791	
Speech on Committee to Inquire into Imprisonment for Debt	362
12 May 1791	
<i>Appeal from the New to the Old Whigs</i>	365
3 August 1791	
Speech on Parliamentary Reform	478
30 April 1792	
Speech on Unitarians' Petition for Relief	487
11 May 1792	
Speech on Address	516
14 December 1792	
Speech on Fox's Motion to Treat with France	524
15 December 1792	
Speech on Alien Bill	532
28 December 1792	
Speech on War with France	546
12 February 1793	
Speech on War with France	557
18 February 1793	
Speech on Sheridan's Motion on Seditious Practices	566
4 March 1793	
Speech on Traitorous Correspondence Bill	575
9 April 1793	
Speech on Fox's Motion for Peace with France	587
17 June 1793	
Speech on Motion for Release of La Fayette	594
17 March 1794	
Speech on Pensions and Sinécures Bill	600
8 April 1794	

## *Contents*

Speech on French Corps Bill 11 April 1794	606
Speech on French Corps Bill 17 April 1794	610
Speech on Bill for Suspending Habeas Corpus 16 May 1794	620
Speech on Motion of Thanks to Lord Hood 20 June 1794	624
Appendix A: List of Burke's Speeches in the House of Commons, 1780–94	627
Appendix B: Collation of Texts	655
Index	657

## LIST OF SHORT TITLES

The following manuscript collections are cited in this volume by short title:

**MSS. at Northampton**

Fitzwilliam MSS. on deposit at the the Northamptonshire Record Office, Northampton; part of the Fitzwilliam Burke collection, owned by the Earl Fitzwilliam and originally at Milton, Northamptonshire.

**MSS. at Sheffield**

Wentworth Woodhouse Muniments on deposit at Sheffield Archives and Local Studies Library; the larger part of the Fitzwilliam Burke collection together with the papers of the second Marquess of Rockingham, owned by Earl Fitzwilliam and originally at Wentworth Woodhouse, Yorkshire.

**TNA**

The National Archives, Kew, London.

The following printed works are cited in this volume by short title:

*Commons Journals*

*Journals of the House of Commons.*

*Commons Sessional Papers*

Sheila Lambert, ed., *House of Commons Sessional Papers of the Eighteenth Century*, 145 vols., Wilmington, Del., 1975.

*Corr.*

T. W. Copeland and others, eds., *The Correspondence of Edmund Burke*, 10 vols., Cambridge and Chicago, 1958–78.

*Corr.* (1844)

Earl Fitzwilliam and R. Bourke, eds., *The Correspondence of Edmund Burke between 1744 and 1797*, 4 vols., London, 1844.

*Lords Journals*

*Journals of the House of Lords.*

*Parl. Hist.*

W. Cobbett, ed., *The Parliamentary History of England from the Norman Conquest in 1066 to the Year 1803*, 36 vols., London, 1808–20.



*List of Short Titles*

*Parl. Reg.*

J. Debrett, ed., *The Parliamentary Register or History of the Proceedings and Debates in the House of Commons* . . . , 45 vols., London, 1780-96.

*Speeches*

[J. F. Wright, ed.,] *Speeches of the Right Honourable Edmund Burke* . . . , 4 vols., London, 1816.

*Todd*

W. B. Todd, *A Bibliography of Edmund Burke*, London, 1964.

*Works (1792-1827)*

*The Works of the Right Honourable Edmund Burke, Collected in Three Volumes*, London, 1792. Further volumes were added to this, the first quarto edition, in 1802, 1812, 1813, 1821, and 1827.

*Works (Bohn)*

*The Works of Edmund Burke*, 8 vols. (Bohn's British Classics), London, 1854-89.

NOTE: other volumes in this edition are cited with the preface 'vol.'

## INTRODUCTION

This volume, the last of three in the Party and Parliament series, takes Edmund Burke from the opening of a newly elected Parliament which assembled on 31 October 1780 to his retirement from the Commons in 1794. Other volumes in this series contain material by Burke that falls within this time-span. His speeches and writings on India for this period have been published in volumes v, vi, and vii; those specifically relating to Ireland appeared in volume ix. Volume viii is entitled *The French Revolution, 1790–1794*. It contains published writings ‘on the subject of the French Revolution and its impact on English politics’. While there can be no doubt of the advantages of dividing the abundant material for the later part of Burke’s career along thematic lines, there are obvious and unavoidable problems of demarcation: in any speech or piece of writing Burke was often likely to deal with more than one theme. In this volume, for instance, there are some interesting references to Ireland as well as an important statement about the authority of Parliament over the British provinces in India in the *Representation to His Majesty* of 1784. Anything that Burke is reported to have said about France in Parliament is within the scope of this volume and one major published work dealing with British politics and the implications for it of the French Revolution has been allocated to it. This is the *Appeal from the New to the Old Whigs* of 1791, intended to be a vindication of the *Reflections on the Revolution in France*, included in volume viii, and at least comparable in importance as an exposition of Burke’s beliefs to that much-studied and much-reproduced text.

Throughout volume iii Burke had spoken in Parliament as a member for the great port city of Bristol. Having withdrawn from the poll at Bristol during the 1780 general election, he was not able to take a seat in the Commons until 7 December, when he was returned for Malton. This was a small borough in Yorkshire under the total control of Burke’s patron and the leader of the political connection to which he adhered, the Marquess of Rockingham.<sup>1</sup> Thereafter Burke remained Member of Parliament for Malton until he retired from the Commons on 21 June 1794.

<sup>1</sup> Charles Wentworth Watson (1730–82), 2nd Marquess of Rockingham.

## *Introduction*

When the volume opens, the Rockingham connection were, as they had been since 1770, in opposition to the administration of Lord North.<sup>1</sup> Until Charles Fox<sup>2</sup> began to play a more prominent role in the later 1770s, Burke was the leading speaker for the opposition in the House of Commons, and he was highly regarded in the counsels of the predominantly aristocratic leadership of the Rockingham group. Since 1775 Britain had been waging war to subjugate the North American colonies, a war in which other European powers intervened. The Rockinghams had opposed going to war with America and were bitterly critical of the conduct of what had become a world-wide war. Secure in the support of King George III and with a comfortable majority in the House of Commons, North was able to maintain himself in power until British forces in America suffered a disastrous defeat in the winter of 1781. Then opinion in the House of Commons turned against the American War. In March 1782 North resigned and the King, much against his wishes, had to give office to North's opponents. Rockingham became the King's chief minister, governing in coalition with the Earl of Shelburne,<sup>3</sup> the leader of another opposition connection, whom Burke detested. Burke served in the new government, although without an office of Cabinet rank. The Rockingham administration only lasted until 1 July 1782, when the Marquess died and George III chose Shelburne, under whom Burke was unwilling to serve, to succeed him. Even if his time in office was short, Burke relished the experience. 'He loved busy life, . . . and he believed that every man that knew him, would say, that he was fond of business.'<sup>4</sup> He was responsible for the most important piece of the Rockingham government's legislation, the Civil Establishment Act, intended both to make economies in public expenditure and to curb undue ministerial influence over the House of Commons. As Paymaster General to the Forces, Burke introduced important legislation to reform notorious abuses in his own department. He made no secret that he also appreciated the rewards of office. 'Where a man could serve himself without an injury to the public', Burke believed that he should do so.<sup>5</sup> Office gave him hopes of raising 'a little anthill' to provide something for the future of his family. 'From his nature,' he said on resigning in July 1782, 'he would never have chosen the cold climes of opposition, but he had been ever forced into it; it was a melancholy thought, but that he now believed, that he was doomed to

<sup>1</sup> Frederick North (1732–92), styled Lord North, later (1790) 2nd Earl of Guilford.

<sup>2</sup> (1749–1806).

<sup>3</sup> William Petty (1737–1805), 2nd Earl of Shelburne, later (1784) 1st Marquess of Lansdowne.

<sup>4</sup> See below, p. 154, n. 3.

<sup>5</sup> See below, p. 145.

spend his whole life in opposition.<sup>1</sup> Apart from a brief return to office from April to December 1783 under the Fox–North Coalition, that was indeed to be his fate.

The death of Rockingham was a very serious blow for Burke. Not only did he feel compelled to relinquish his office, but without Rockingham's support his standing in his party was seriously weakened. He was, however, again appointed Paymaster in April 1783 under the Coalition between Charles Fox, effectively successor to Rockingham as leader of his group, and Lord North. The Coalition gave Burke the opportunity to play a major role in drafting and carrying through the Commons another important piece of legislation, the two bills, to which Fox's name is always attached, for reforming the East India Company and its rule over its Indian provinces. The first bill aroused strong opposition, giving George III a pretext to get rid of the Coalition, which he detested, by inciting members of the House of Lords to reject it. The Coalition was replaced by an administration formed by William Pitt,<sup>2</sup> which obtained a secure majority after a general election in 1784. Burke regarded the dismissal of the Coalition and the subsequent dissolution as gross constitutional improprieties against which he bitterly protested.<sup>3</sup> Pitt was, however, to be the King's chief minister for the rest of Burke's life.

The 'cold climes of opposition' were to be as unrewarding for Burke as he had anticipated. While still a prominent figure in a party now dominated by Fox, Burke increasingly felt himself to be isolated and disregarded. He had always been prone to embark on his own political courses; this tendency now became more marked. Two such initiatives came to dominate the rest of his life. The first was the decision to launch a prosecution by impeachment of the former Governor General of Bengal, Warren Hastings.<sup>4</sup> This was to take up a great part of Burke's time and energy for ten years. In 1787 the House of Commons agreed to prosecute Hastings before the Lords, who acquitted him in 1795. The second intervention that was to change the course of Burke's life was his launching in 1790 of a campaign to expose by publications and by parliamentary speeches the disastrous consequences of the French Revolution that he envisaged for France and the threat that it posed to Britain. By doing so he hoped to compel his party in particular and public opinion as a whole to align itself against revolutionary France and against those who might sympathize with

<sup>1</sup> See below, p. 154, n. 2.      <sup>2</sup> (1759–1806).

<sup>3</sup> Notably in the *Representation to His Majesty* of 14 June 1784, see below, pp. 188–215.

<sup>4</sup> (1732–1818).

it in Britain. He continued to warn against the consequences of the Revolution and the threat of subversion in Britain through speeches in the House of Commons until he retired in 1794 and in pamphlets and memoranda virtually up to the time of his death in 1797.

Although he was widely blamed for the disasters of Fox's India Bill, Burke was not willing to abandon Indian reform in opposition after 1784. Since he now saw no prospects of being able to achieve it by legislation, he resorted to the alternative of trying to reform British India by using Parliament's inquisitorial power of impeachment. Through the indictment of Warren Hastings, the Governor and Governor General of Bengal from 1772 to 1785, Burke intended to expose the intolerable abuses that had made the India bills necessary; a conviction, were one attainable, would guard against their repetition. Charges against Hastings were introduced into the Commons in 1786 with the full support and active cooperation of Burke's colleagues in the opposition. Against most expectations, the Commons endorsed one of the charges that year and in 1787 voted that Hastings should be impeached before the House of Lords. Opening the charges in the Commons and presenting them to the Lords in the first session of the trial in 1788 provided Burke and his colleagues, most notably Sheridan,<sup>1</sup> with opportunities for much-acclaimed feats of eloquence in 'the cause of Humanity'.<sup>2</sup> After 1788, however, the trial lost both momentum and popular support. It was only to end after Burke had delivered his nine-day speech in conclusion in 1794.

The Hastings trial had at first united the opposition, but after 1789 it became a source of discord. Few were minded to shoulder indefinitely the burdens of constant attendance in the House of Lords, and by 1789 both Fox and Sheridan hoped that the impeachment could be brought to a speedy end. Burke, however, persisted. He seems never to have been absent from the Lords while the trial was in session. This assiduity restricted his other parliamentary activities. Up to 1786 Burke had continued to play the role that he had adopted from the beginnings of his parliamentary career, that of an exceptionally 'conscientious legislator and full-time politician'.<sup>3</sup> The list of occasions on which he is known to have spoken between 1781 and 1786<sup>4</sup> shows that in addition to taking a prominent part in putting his party's case in major debates against the policies of the North and Pitt administrations, Burke made contributions to proceedings on election

<sup>1</sup> Richard Brinsley Sheridan (1751-1816).

<sup>2</sup> See below, p. 243.

<sup>3</sup> Vol. ii, p. 11.

<sup>4</sup> See Appendix A, below, pp. 628-40.



petitions, routine administrative matters, and private members' bills. Commitment to the prosecution of Hastings greatly reduced such activities. In 1786, of some forty occasions on which Burke spoke, only two were in debates not concerned with India. Until 1789 he still tried to do his best to fulfil what was to be expected of him as a leading opposition spokesman in the Commons by contributing to major debates. He also found opportunities for expressing his views on issues that had always greatly interested him, such as reform of the criminal law,<sup>1</sup> the confinement of debtors,<sup>2</sup> and the abolition of what he regarded as outmoded economic regulations.<sup>3</sup> From 1791, however, his proclaimed intention was 'not to intermeddle with any political matter, except it relates to some change in this constitution' or to 'French questions'.<sup>4</sup> His appearances in the Commons, except on matters relating to the Hastings trial, became infrequent.

In the summer of 1789 Burke told an old friend that at his time of life it was now 'very unfit for me to exert myself in the common routine of opposition'. As he admitted in the same letter, his disillusionment with parliamentary politics was in part rooted in disaffection with his colleagues.<sup>5</sup> His long-standing unhappiness about the state of the party had been exacerbated by his colleagues' reluctance over the impeachment and by deep differences with them over the proper approach to the Regency crisis. For a short time, during the winter of 1788–9, the physical incapacity of George III made it highly likely that the Prince of Wales,<sup>6</sup> the opposition's patron, would exercise power as Regent and would therefore put Fox and his colleagues into office. The King's recovery frustrated such hopes, but the episode brought out in public the ineptness of the opposition and their inability to agree on tactics. Burke characteristically took a line of his own over the Regency which he maintained with great vehemence.<sup>7</sup>

Burke's determination during 1790 to take a public stand on the dangers posed by the French Revolution, demonstrated first by his speech on the Army Estimates in February and abundantly confirmed by the publication of his *Reflections on the Revolution in France* on 1 November, drove a rift between him and the majority of his colleagues. To them he seemed to be exaggerating the malign effects of developments in France, that were generally given at least a cautious welcome, and to be stirring up

<sup>1</sup> See below, pp. 279–80.

<sup>2</sup> See below, pp. 362–5.

<sup>3</sup> See below, pp. 241–3.

<sup>4</sup> *Corr.* vi. 452.

<sup>5</sup> *Corr.* vi. 1–2.

<sup>6</sup> George Augustus Frederick (1762–1830), later (1820) King George IV.

<sup>7</sup> See below, pp. 246–57 and 257–79.

unnecessary conflicts that threatened party unity. Sheridan immediately confronted Burke and broke with him publicly.<sup>1</sup> Fox was at first more circumspect, but Burke ultimately provoked him into a declaration of the difference between them in a famous debate on Quebec on 6 May 1791.<sup>2</sup> Burke's response was to restate his propositions about France and Britain, most notably in the *Appeal from the New to the Old Whigs*, published on 3 August 1791.<sup>3</sup> By then the situation in France was becoming increasingly tense and indications of disaffection with the established order were appearing in Britain, but the situation still did not seem to most Whigs to be serious enough to warrant splitting the party. Burke therefore remained largely isolated, although he continued to denounce the horrors that were happening in France and to warn of the dangers posed by British fellow-travellers in debates on parliamentary reform and on the Unitarian petition for relief in April and May 1792.<sup>4</sup>

Events in the later months of 1792 seemed to vindicate Burke. The French monarchy was overthrown and much bloodshed followed. Embroiled in war with Prussia and Austria, the new republic repulsed attacks on it and carried the war beyond its borders, pledging itself to the destruction of the old order throughout Europe and the liberation of all oppressed peoples. Louis XVI<sup>5</sup> was executed in January 1793 and on 1 February France declared war on Britain. Faced with the apparent evidence of widespread support for the French cause in the British Isles, ministers took emergency powers. When Parliament reassembled in December 1792, Fox showed unmistakably where his sympathies lay. He believed that Britain should have taken effective measures to avoid going to war on the side of 'despotic' continental powers and that reports of disaffection at home were much exaggerated. In a series of debates between 13 December 1792 and 27 June 1793 Burke delivered speeches intended as a riposte to Fox. By then events made his views generally acceptable to his colleagues, apart from a Foxite minority. The leadership of the party pledged itself to support the Pitt government's policy on the war and on maintaining order at home. Tortuous negotiations took place which eventually led to the incorporation of leading members of the opposition into the administration on 11 July 1794. The Whigs were irrevocably divided and Burke's isolation seemed to be at an end. This was not, however, how he saw things. For Britain to be at war with France and for most

<sup>1</sup> See below, p. 295.

<sup>2</sup> See below, pp. 337–8.

<sup>3</sup> See below, pp. 365–78.

<sup>4</sup> See below, pp. 478–87 and pp. 487–516.

<sup>5</sup> (1754–93), King of France from 1774.

Whigs to be aligned with the war were of course major steps in the right direction, but, as Burke saw it, Britain was not fighting the right kind of war and, moreover, she was fighting it very ineptly. The war should be an ideological one for the destruction of what Burke called Jacobinism and the restoration of a propertied order in France. This was not the objective of the Pitt government, with whose conduct of the war Burke became increasingly exasperated. In his last days Burke was deeply pessimistic: 'if I shall live much longer, I shall see an end to all that is worth living for in this world.'<sup>1</sup>

In the *Appeal from the New to the Old Whigs*, written in 1791, Burke implied that his capacities had declined from the time when he first entered the Commons more than twenty-five years earlier. Then 'he was in the prime and vigour of his life; when the powers of his understanding, according to their standard, were at the best; his memory exercised; his judgment formed; and his reading, much fresher in the recollection, and much readier in the application, than now it is'.<sup>2</sup> Those who heard him speak in the period covered by this volume might have their doubts about Burke's judgement, but few can have believed that his powers of 'recollection' and his ability to make speeches illuminated by an astonishing range of knowledge and literary reference, apparently called up on the spur of the moment, had significantly declined. On one of his last appearances in the House, Sheridan indeed assured Burke that he had never seen him 'display more talents, more variety, or more eloquence, than on the present occasion; and he shewed by no means any appearance of declining faculties or powers in the wane'.<sup>3</sup> For contemporaries a major Burke speech remained a remarkable occasion, even if, partly because of the speed at which it was delivered, it may well have been 'incomprehensible to a large part of his audience'.<sup>4</sup> This does not, however, mean that his interventions in debates were invariably successful. Their reception varied greatly.

Burke's command of the House had never been secure; nor was it to be after 1780. On occasions he was subjected to a barrage of noise, to constant interruptions, or even to being prevented from speaking at all. This was reported to have happened on 7 May 1783, 16 June 1784, 19 January and 20 February 1789, 15 April 1791, 1 February 1792, and 25 April 1793. There was general agreement about Burke's failings that counterbalanced

<sup>1</sup> *Corr.* ix. 357.

<sup>2</sup> See below, p. 408.

<sup>3</sup> See below, p. 620.

<sup>4</sup> P. D. G. Thomas, *The House of Commons in the Eighteenth Century*, Oxford, 1971, p. 225.

the splendour of his oratory on great occasions. His speeches were often far too long. The House, it was said, having been willing to tolerate a very lengthy speech made by Burke on 14 June 1784 in introducing his *Representation to His Majesty*, would not 'so soon again expose itself to another tedious harangue' and therefore prevented him from speaking on parliamentary reform on 16 June.<sup>1</sup> He seems to have made little attempt to adjust his speeches to the state of the debate or to the mood of the House. Choosing often to speak late in a debate, he could be in full flow when members were clamouring for the question to be put to the vote. He sometimes assumed an indulgence to disregard the House's conventions.<sup>2</sup> He could easily be provoked into losing his temper and he would then resort to extravagant vituperation. His likening of Lord Shelburne on 9 July 1782 both to Catiline and to the wolf in Little Red Riding Hood was thought to mix unacceptable vituperation with a serious lapse of decorum.<sup>3</sup> The parliamentary diarist Nathaniel Wraxall<sup>4</sup> considered that Burke was often 'intemperate and reprehensibly personal' in the Commons. Generally courteous in face-to-face contacts, in debate Burke had little compunction about wounding others with abusive comments which drew abuse in return, especially in the tense political atmosphere during the rise and fall of the Fox–North Coalition and the establishment of Pitt's ascendancy.

In Wraxall's opinion, Burke 'stood on the highest ground as a public man in the estimation of of all parties' in 1781.<sup>5</sup> In a debate at the end of that year, however, he was reported to have 'worked up his passions so much . . . that his whole frame was visibly and violently agitated'.<sup>6</sup> In 1783 Burke's parliamentary performances ranged from an almost universally acknowledged triumph of his speech on Fox's India Bill<sup>7</sup> to the humiliations of the Powell and Bembridge debates, when to many Burke seemed to be reduced to defending the indefensible by loss of temper and by speaking at inordinate length.<sup>8</sup> In the Parliament elected in 1784 Burke quickly felt himself to be the target for concerted disruption of his speeches by government supporters. Nevertheless, he was to reassert his capacity to command the attention of the House on the subject that he had often had

<sup>1</sup> *Historical Manuscripts Commission: Rutland MSS*, 4 vols., London, 1888–1905, iii. 110.

<sup>2</sup> On 11 April 1785, for instance, he was reprimanded by the Speaker for holding up the House's business by embarking on 'a whimsical comparison between Newgate and the House of Commons', see below, p. 230.

<sup>3</sup> See below, p. 155.

<sup>4</sup> Nathaniel Wraxall (1751–1831), later (1813) 1st Baronet.

<sup>5</sup> H. B. Wheatley, ed., *The Historical and Posthumous Memoirs of Sir Nathaniel William Wraxall*, 5 vols., London, 1884, ii. 26, 36.

<sup>6</sup> See below, p. 102.

<sup>7</sup> Vol. v, pp. 378–451.

<sup>8</sup> See below, pp. 167–78.



most difficulty with it in the past: that is, on India. Burke's achievement in persuading the House of Commons to endorse his case for impeaching Warren Hastings was a very remarkable one. As Burke himself put it, 'one great difficulty in our way was the opinion that nothing relative to the East was to be made Intelligible or, to come nearer to the truth there was something like a resolution taken; not to know or care any thing about it'. Largely through his own efforts, 'That difficulty is in a great measure got over.'<sup>1</sup>

In the Regency debates of 1788-9 Burke lost much of the standing with the House that he had regained over Hastings. In what he had to say about the Regency, Burke made important statements of his views on the constitution, but his verbosity, intemperate language, long disquisitions on the nature of insanity, and seemingly gross lapses of decency in expression greatly damaged his credit with the House. This reached its lowest point when Burke referred to the King as having been 'smitten by the hand of Omnipotence', which had '*hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meanest peasant in his kingdom*'.<sup>2</sup> On the occasion of his open quarrel with Fox in the Quebec debates of 1791 and in their aftermath, Burke had to cope with interruptions and calls to order for irrelevance coming from Foxite M.P.s rather than from the ministerial benches, who were inclined to indulge Burke, no doubt to encourage divisions within the opposition. A newspaper correspondent noted the change in 1791 from 'inattention, bordering upon rudeness, which Mr. Burke was treated for many years' to 'the pointed attention paid to him in the last session by Mr. Pitt and by the Young Gentlemen, who used to do every thing but cough him down'.<sup>3</sup> As Burke's views converged with those of the ministers over France and sedition at home, relations between him and them became increasingly cordial, marked by Burke's migrations from the opposition to the Treasury Bench. Apart from the Foxites, whose treatment of Burke was, especially in the case of Fox and Sheridan, usually much more restrained than his treatment of them, Burke could expect a sympathetic and even respectful hearing in the House. Sometimes, as when he flourished a dagger at the end of his speech on the Aliens Bill of 28 December 1792,<sup>4</sup> Burke's effusions struck M.P.s as ludicrous; on other occasions, notably his paean on the virtues of a propertied society in his first speech on the raising of French *émigré* troops in 1794,<sup>5</sup> Burke clearly struck a note that resonated with most of the

<sup>1</sup> *Corr.* v. 281.

<sup>2</sup> See below, p. 271.

<sup>3</sup> *Public Advertiser*, 9 Nov. 1791.

<sup>4</sup> See below, p. 545.

<sup>5</sup> See below, p. 609.



House. By the time he resigned from the Commons in 1794 he had come to be regarded as something of an ornament to it, to be indulged and permitted to come 'down to that House as it suited his humour' and give 'his opinions backward and forward without control'.<sup>1</sup>

The defence of the British constitution is the theme that occurs most frequently in this volume. For Burke the constitution was 'the engagement and pact of society'<sup>2</sup> and its preservation was the overriding duty of every man in public life. In 1784 Burke wrote of 'the Constitution of England, which for a series of ages had been the proud distinction of this Country, always the admiration and sometimes the envy of the wise and learned in every other Nation'.<sup>3</sup> The constitution, he told the Commons in 1791, was 'the eternal jewel of their souls'.<sup>4</sup> Burke especially revered what he saw as the constitution's capacity to combine liberty and order. It was, he wrote, 'a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and above all with the institutions formed for bestowing permanence and stability through ages upon this invaluable whole'.<sup>5</sup> Yet this wonderful contrivance was, in his view, constantly under attack. Burke saw threats as coming from different directions at different times. In his efforts to counter them, Burke's interpretations of the constitution he was defending were to change considerably in their emphasis.

Burke described the constitution as 'composed of the King, Lords, and Commons'.<sup>6</sup> Its successful working depended on maintaining a proper relationship between these three elements. By 1780 he had long seen threats to the constitution as primarily arising from the ambitions of those around the court to aggrandize the role of the Crown at the expense of the independence of the House of Commons. His analysis of these ambitions, above all in his *Thoughts on the Cause of the Present Discontents* of 1770, became canonical for the Rockingham connection. In the earlier part of this volume Burke was still preoccupied with court ambitions, flagrantly demonstrated, in his view, in the crisis of 1783-4. By then, however, he was beginning to detect threats to the constitution which took other forms. He was concerned that what purported to be popular opinion was being manipulated by court politicians or by associations and political clubs

<sup>1</sup> Speech of 8 April 1794, see below, p. 605.

<sup>2</sup> *Reflections on the Revolution in France*; vol. viii, p. 71.

<sup>3</sup> See below, p. 217.

<sup>4</sup> See below, p. 349.

<sup>5</sup> See below, p. 473.

<sup>6</sup> See below, p. 578.

to challenge the authority of the Commons or to force changes on it. In the Regency crisis of 1788–9 his emphasis shifted further. He now feared that the independence of the monarchy was being subverted by the ambitions of William Pitt. During the 1790s he became convinced that threats to the constitution were urgent and that they were comprehensive in their scope. It was no longer a matter of keeping the three powers of the British constitution to their proper roles. King, Lords, and Commons were all under attack from those who wished to impose constitutional change in the name of ‘the sovereignty of the people’. Were these to succeed, all three branches would fall together. This would involve not merely the destruction of a system of government which Burke greatly valued and believed to have been highly beneficial to the British people, but the overthrow of a moral order. In the *Appeal from the New to the Old Whigs*, he explained that a good life was made possible for individuals within the community and political institutions into which they had been born and nurtured. The ‘awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactick, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us’.<sup>1</sup> The British constitution was ‘a moral machine’ and ‘Men little think how immorally they act in rashly meddling’ with it.<sup>2</sup> If the British constitution was subverted, Britain would be plunged into moral as well as political anarchy.

At the beginning of this volume Burke was still concerned, as he had been for so long, with the undue influence of the Crown in the House of Commons. To curb this was the prime objective of the programme of economical reform that he launched first in 1780, in opposition to the government of Lord North, and repeated in 1781. On that occasion he had denounced ‘that influence, which had rendered the two Houses of Parliament accessory to the power of the crown, instead of being a balance against it’, and he had hoped to free at least fifty M.P.s from ‘undue influence’.<sup>3</sup> He took issue with what was becoming accepted wisdom: that is, that a degree of royal influence in the House of Commons was necessary to enable the King’s government to be carried on—the influence of a minister must stem from his ‘wisdom and virtue’, not from ‘honours and emoluments’.<sup>4</sup> In 1782 a Civil Establishment Bill, embodying a

<sup>1</sup> See below, p. 442.

<sup>2</sup> See below, p. 472.

<sup>3</sup> See below, pp. 49, 52.

<sup>4</sup> See below, p. 63.

substantial part of Burke's 1780 and 1781 programmes, but by no means all of them, was enacted by the new Rockingham administration.

From 1782 to 1784 George III played a role in politics which, Burke believed, broke with constitutional propriety. On insubstantial constitutional grounds, he objected to the King's choice of Lord Shelburne as his chief minister to succeed Rockingham in July 1782, against the wishes of some members of the existing Cabinet. Events in 1783 and 1784 gave him much more solid grounds for concern. The King had been forced to accept the Fox–North Coalition in office in March 1783, but in December his influence in the House of Lords had enabled him to defeat Fox's India Bill, which had been passed by a comfortable majority in the House of Commons. That majority disappeared when the House was dissolved, and in the subsequent election of 1784 the King's choice of minister, William Pitt, obtained a House that would maintain him in power for a long time to come. Burke saw this as 'a settled plan to destroy, not the form, but the essence and efficacy of the House of Commons'.<sup>1</sup> What mainly concerned him was no longer the old issue of undue influence. Rather, he increasingly tended to play down the effects of court influence on the Commons. Instead, he warned against demands for reform that were urging that for the House to recover its independence required not just the reduction of the Crown's capacity to exert influence but reform of the representative system itself. The Commons must be made more publicly accountable, either by increasing the number of seats directly responsive to public opinion or by shortening the intervals between elections. Burke regarded such changes as not only unnecessary but pernicious. He insisted that the House of Commons in its present form adequately reflected public opinion. The House elected in 1774 had supported the American War, not because it had been corrupted by the Crown but because the war had been genuinely popular; the House elected in 1780 had brought the war to an end at the bidding of the nation and had proved to be 'an uncorrupt, independent, and reforming Parliament' until its existence was improperly terminated in 1784.<sup>2</sup> As pressure for parliamentary reform grew, Burke's opposition to it became more fervent, culminating in a denunciation of reform proposals in June 1784 which he would have delivered had he been able to. He then thought that

<sup>1</sup> See below, pp. 183–4.

<sup>2</sup> See below, pp. 193–4.

no essential alterations are at all wanting: and that neither *now*, nor at *any* time is it prudent or safe to be meddling with the fundamental principles, and antient tried usages of our Constitution—that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be, and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.<sup>1</sup>

If changes were attempted, bounds could not be set to them short of universal adult male suffrage, which would destroy the independence of the House of Commons and with it the whole fabric of the constitution.

By 1784 Burke was detecting a systematic assault on the independence of the Commons, not through excessive royal influence but by improper uses of royal prerogatives, which were being justified by ‘doctrines, big with danger to the constitution’.<sup>2</sup> The *Representation to His Majesty* of 14 June 1784 was Burke’s considered analysis of these new dangers. The Crown undoubtedly had legal prerogatives, but recent use of them had, in his view, violated constitutional propriety. The King could choose his ministers, but he should not have dismissed a ministry that enjoyed the confidence of the Commons, nor should he have tried to keep other ministers in office ‘in defiance of the advice’ of the Commons, as he had done with Pitt before the dissolution.<sup>3</sup> He should not have subjected the House of Lords to ‘corruption and intimidation’ over the India Bill.<sup>4</sup> Nor should he have used his prerogative of dissolving Parliament in 1784, ‘whilst great and arduous matters of state and legislation are depending’.<sup>5</sup> What caused Burke most concern was the justification that ministers, such as Shelburne and Pitt, were using for stretching the conventions of the constitution. Pitt in particular had invoked the ‘sense of the people’, as expressed in some two hundred addresses to the Crown, as the pretext for dissolving Parliament.<sup>6</sup> Burke accepted that the number of the addresses and the extent of the government’s victory in the 1784 election were clear evidence that popular opinion had turned against him and his colleagues. But he denied that popular opinion expressed in these ways properly conveyed ‘the sense of the people’.

Like any good Whig, Burke saw the function of the House of Commons as to present the point of view of the people to the Crown. In *Thoughts on the Present Discontents* in 1770 he had written: ‘I am not one of those who think that the people are never in the wrong. They have been so, frequently and outrageously, both in other countries and in this. But I do say, that in

<sup>1</sup> See below, p. 217.

<sup>2</sup> See below, p. 184.

<sup>3</sup> See below, p. 200.

<sup>4</sup> See above, p. 201.

<sup>5</sup> See above, p. 199.

<sup>6</sup> See above, p. 185.



all disputes between them and their rulers, the presumption is at least upon a par in favour of the people.<sup>1</sup> In its origins the House of Commons, was 'considered as a *controul*, issuing *immediately* from the people', and it should therefore 'feel with a more tender and a nearer interest every thing that concerned the people'.<sup>2</sup> Burke insisted, however, that there were limitations on the pressure that the people should be able to apply on the Commons. He argued in his Bristol speeches of 1774 and 1780 that M.P.s ought not to accept binding instructions from their constituents, who should submit their wishes to the test of the collective 'reason and judgement' of the House.<sup>3</sup> Petitioning Parliament was a long-established way in which 'the body of the people' made their wishes known. The Rockinghams encouraged petitions in support of their campaign for economical reform, as they had done on other occasions. In his speech introducing his Economical Reform Bill for the second time in 1781, Burke praised petitions which emanated from 'general meetings of the people in every county and city of the kingdom; they were legal and grave in their deportment; they were peaceable and loyal'. Although he did not agree with all of the points they were making, he was happy to 'have met the public spirit and the public voice on its way' in his proposals.<sup>4</sup> In reality, Burke had been alarmed for some time about the direction which 'the public spirit and the public voice' were taking in pressing for reform. Demands were being formulated, especially in London and Yorkshire, which went far beyond economical reform, and there was talk of a general association as a rival to Parliament.

The experience of popular pressure that in the early 1780s had gone in directions that were beyond the control of the politicians who had tried to guide it seems to have been a formative one for Burke and to have instilled in him a lasting aversion to such movements, not only in Britain but later also in France.<sup>5</sup> Many years later he was to write that at that time 'the desires of the People (partly natural and partly infused into them by art) appeared in so wild and inconsiderate a manner . . . that if their petitions had literally been complied with, the State would have been convulsed; and a gate would have been opened, through which all property might be sacked and ravaged'. Had the association movement been able to carry through its reforms, 'not France, but England, would have had the honour

<sup>1</sup> Vol. ii, 255.      <sup>2</sup> Ibid. 291-2.

<sup>3</sup> *Speech at the Conclusion of the Poll*, 3 November 1774; vol. iii, p. 69.

<sup>4</sup> See below, pp. 48-9.

<sup>5</sup> See the astute assessment in N. C. Phillips, 'Edmund Burke and the County Movement, 1779-1780', *English Historical Review*, lxxxiv, 1959, 254-78.



of leading up the death dance of Democrattick Revolution'.<sup>1</sup> Burke developed a particular dislike of the Yorkshire Association, which petitioned for parliamentary reform. Clubs and societies, in Britain or later in France, were not, in his view, legitimate vehicles for the expression of popular opinion. In both countries 'voluntary clubs and associations of factious and unprincipled men were substituted in the place of all the legal corporations of the kingdom'.<sup>2</sup>

The great body of addresses to the Crown against the Coalition and in favour of Pitt, together with the result of the 1784 election, forced Burke to restate his opinions on the role of the public. He largely repeated arguments that he had propounded in his speech on the duration of Parliaments of 1780, when he had professed to 'look up to the opinion of the people with an awe that is almost superstitious', while denying that they had the capacity to decide on 'the detail of particular measures and or to any general Schemes of Policy'.<sup>3</sup> Now he still accepted 'that the popular opinion must be admitted as a rule of conduct', but insisted that this must be with 'very many exceptions and qualifications'. To follow public opinion in 'all circumstances and in all cases whatever [is] a perfect rule of submission'.<sup>4</sup> The most important of the exceptions and qualifications was to differentiate between 'the better informed and more enlightened part of the community', whose views commanded respect, and the mass who were likely to be misinformed.<sup>5</sup> Although he generally regarded meetings of county freeholders as valid bodies to approach Parliament, he told the Buckinghamshire county meeting in 1784, after it had shown scant regard for his views, that it was not competent to express opinions on matters which it did not understand, such as the government of India.<sup>6</sup> The means by which the public expressed their opinions also mattered greatly to him. He disliked unofficial associations and he was deeply suspicious of the efforts being made by the King and his ministers to solicit expressions of opinion by addresses directly to the Crown. This was a dangerous attempt to circumvent Parliament. 'The collective sense of his people his Majesty is to receive from his Commons in Parliament assembled.'<sup>7</sup> Petitions should be directed by properly constituted bodies to the House of Commons for due consideration. The House would then apply its collective wisdom to them and advise the King of the wishes of his subjects. Burke's concern was to maintain 'an independent House of Commons . . . equally an Enemy to

<sup>1</sup> *Letter to a Noble Lord*; vol. ix, pp. 152, 155.

<sup>2</sup> See below, p. 457.

<sup>3</sup> Vol. iii, p. 592.

<sup>4</sup> See below, p. 184, n. 4.

<sup>5</sup> See below, p. 183.

<sup>6</sup> See below, p. 179.

<sup>7</sup> See below, p. 192.

indefinite prerogative and to wild unprincipled Liberty'.<sup>1</sup> Royal populism, aligning the Crown with the people against the House of Commons, threatened the independence of the Commons on both counts.

Claims for the sovereign authority of 'the people', emanating after 1789 from both France and Britain, forced Burke to undertake further analysis of how a people was properly constituted and what its role in politics should be. '[W]e ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean when we say the PEOPLE', he wrote in his *Appeal*.<sup>2</sup> The undifferentiated inhabitants of a geographical area certainly did not constitute a people, and a numerical majority could not possibly be interpreted as the will of the people. The supposed will of the majority of the people was being used as the justification for the outrages being committed in France, which, he believed, British agitators would like to see imitated at home. A people was not an undifferentiated aggregate; it was a corporate body arranged on hierarchical principles.

To enable men to act with the weight and character of a people, and to answer the ends for which they were incorporated into that capacity, we must suppose them . . . to be in that state of habitual social discipline in which the wiser, the more expert and the more opulent, conduct and by conducting enlighten and protect the weaker, the less knowing, and the less provided with the goods of fortune.<sup>3</sup>

'In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence',<sup>4</sup> but even a properly constituted people, once they had created their political institutions, could not be directly involved in the affairs of government. The 'seat of active power' cannot be in the hands of the multitude'. 'The people are the natural control on authority, but to exercise and to control together is contradictory and impossible.'<sup>5</sup>

With the incapacity of George III in the winter of 1788, Burke saw the threat to the British constitution shifting from an aggressive Crown, invoking the will of the people in its drive to control the House of Commons, to a ministerial clique using their dominance in the Commons to capture the prerogatives of the Crown in order to further their own ambitions. Since the proper functioning of the constitution depended on an independent Crown as well as an independent Commons, this plot must be exposed and resisted. Fanciful as Burke's allegations about Pitt's 'mad

<sup>1</sup> *Corr.*, v. 143.

<sup>2</sup> See below, p. 445.

<sup>3</sup> See below, p. 448.

<sup>4</sup> See below, p. 449.

<sup>5</sup> See below, p. 441.

and daring ambition' to use the King's incapacity as the opportunity to usurp his powers might seem,<sup>1</sup> his suspicions served as a peg on which Burke could hang panegyrics on monarchy. In 1788–9 Burke emerged as the defender of the Crown, first against what he saw as the ambitions of power-crazed politicians, and shortly afterwards against doctrines, such as those enunciated by the Dissenting minister Richard Price<sup>2</sup> in November 1789, which destroyed the constitutional authority of the monarchy by depicting it as the creation of the people and as subject at all times to their sovereign will.<sup>3</sup>

Burke depicted monarchy in the Regency debates as an essential element of the British constitution with a role that had evolved over many centuries. The hereditary principle was vital to it:

Great-Britain is governed by an hereditary Monarchy; it was so by the written and by the unwritten law; it was so by the very essence of our excellent, our at present matchless Constitution, and God forbid, it should ever be otherwise. It was our own inheritance—it was our strong barrier, our strong rampart against the ambition of mankind! It held out an excellent lesson to the most aspiring; it said, "Thus far shalt thou go, and no further;" thus it sheltered the subject from the tyranny of illegal tribunals, bloody proscriptions, and all the long train of evils attendant upon the distractions of ill-guided and unprincipled Republics.<sup>4</sup>

The House of Commons, in claiming that instead of the King's eldest son, the Prince of Wales, automatically becoming Regent it would determine who should be Regent and that it would then fix the Regent's powers, was going far beyond its competence. The Commons were degrading the monarchy and were 'resolving themselves into a Republic compleatly, instead of being one of the three estates'.<sup>5</sup>

Burke was well aware that what had happened in 1688, when Parliament could be said to have appointed a King and to have fixed the terms on which he reigned, might be taken as ample justification for doing the same for a Regent a hundred years later. He therefore embarked on an interpretation of the Glorious Revolution which was to become an issue of bitter and long-lasting controversy with his many critics. On 22 December 1788 he stated that the issues were not at all comparable. In 1688, he argued, the compact between James II and his subjects had been dissolved of necessity because of the King's outrageous violations of the constitution. In notes for the speech Burke elaborated his argument that James II's

<sup>1</sup> See below, p. 260.

<sup>2</sup> (1723–91).

<sup>3</sup> See below, p. 282, n. 3.

<sup>4</sup> See below, pp. 249–50.

<sup>5</sup> See below, pp. 251–2.

delinquencies had given the people a free hand 'to dethrone such a King and then with whatever irregularity, to form such a settlement *de novo* as seems to them best . . . The proceeding on the revolution was as irregular as on the restoration [of Charles II in 1660]—they were obliged to act against the actual constitution in order to regenerate it.' The Revolution 'had not been formed upon precedent, but upon general reason, and the inalienable rights of men'.<sup>1</sup>

That the Revolution had been made by popular will acting outside the framework of the established constitution was a view that Burke was quickly to modify. In his own published version of what he had said in the debate on the Army Estimates on 9 February 1790, Burke wrote:

What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same lords, the same commons, the same corporations, the same electors.<sup>2</sup>

The institution of monarchy was still endowed with all its ancient status. This was a proposition that Burke was to defend against all comers. He felt himself bound to do so particularly in the face of Richard Price's *Discourse on the Love of our Country*, delivered on 4 November 1789 at celebrations commemorating the anniversary of the Glorious Revolution. Then Price had described the Kings of England as 'no more than the first servant of the public, created by it, maintained by it and responsible to it'.<sup>3</sup> For Price and for many others, what the French were doing in 1789 was to exercise their right to impose conditions on the monarchy as the British had done. The French Revolution was thus a re-enactment of that of 1688. This view was totally abhorrent to Burke. He restated his interpretation of what had been involved in 1688 in an important section of his *Reflections on the Revolution in France*.<sup>4</sup> A major part of the *Appeal from the New to the Old Whigs* was also devoted to his interpretation of the English Revolution.

Burke believed that the creation of a so-called 'constitutional' monarchy in France had effectively annihilated its monarchy. Were the views of Price

<sup>1</sup> See below, p. 253, n. 1.

<sup>2</sup> See below, p. 292.

<sup>3</sup> *Discourse*, pp. 23, 34.

<sup>4</sup> Vol. viii, pp. 66–78.



and those who thought like him to prevail in Britain, this would mark the demise of monarchy there too. He therefore felt it imperative to stress the central role of monarchy in the British constitution. In the debate on the bill for the government of Quebec on 6 May 1791, 'he laid it down as a maxim, that monarchy was the basis of all Government, and that the nearer to monarchy that any Government approached, the more perfect it was'.<sup>1</sup> In the *Appeal* he described monarchy as 'the presiding and connecting principle of the whole', which must be 'secured . . . in its pre-eminence'. A 'real, not a nominal monarchy' was the '*essential basis*' of the rest of the constitution.<sup>2</sup>

In the *Appeal* Burke also wrote glowingly of the House of Lords. It was 'the chief virtual representative of our aristocracy, the great ground and pillar of security to the landed interest, and that main link by which it is connected to the law and the crown'.<sup>3</sup> In a famous passage he elaborated his view of the virtues of 'a true natural aristocracy' and listed some of its qualities. These included:

To be bred in a place of estimation; To see nothing low and sordid from one's infancy; . . . To stand upon such elevated ground as to be enabled to take a large view of the wide-spread and infinitely diversified combinations of men and affairs in a large society; To have leisure to read, to reflect, to converse; To be enabled to draw the court and attention of the wise and learned wherever they are to be found;—To be habituated in armies to command and to obey; . . . These are the circumstances of men, that form what I should call a *natural* aristocracy, without which there is no nation. . . . It is the soul to the body, without which the man does not exist.<sup>4</sup>

Burke's 'natural' aristocracy was not an exclusively hereditary one. In one of his speeches on the Quebec Bill he had condemned '*close*' aristocracies and 'recommended above all things an *open* aristocracy'. The power of the Crown to recognize eminent services by awarding titles was 'one of the first and most excellent principles of the British constitution'.<sup>5</sup> Even so, an essential element of an aristocracy was for Burke a body of 'men of great hereditary estates'.<sup>6</sup> To 'talk of hereditary monarchy without any thing else of hereditary reverence in the Commonwealth was a low-minded absurdity'. The '*prejudice* of an old nobility' was of inestimable value.<sup>7</sup>

In the past Burke's view of the House of Lords and of the British aristocracy had been more sceptical. The domination of the House of

<sup>1</sup> See below, p. 343.

<sup>2</sup> See below, pp. 395, 402.

<sup>3</sup> See below, p. 433.

<sup>4</sup> See below, pp. 448–9.

<sup>5</sup> See below, p. 358.

<sup>6</sup> See below, p. 467.

<sup>7</sup> *Letter to a Noble Lord*; vol. ix, p. 183.



Lords by royal influence made it difficult to depict it as an effective counter-balance to the Crown. Burke's critical comments on the Lords made in 1784 reflect the avowed jealousy of a House of Commons man to what he saw as the ambitions of peers to aggrandize the role of their House.<sup>1</sup> In 1781 he had responded to accusations that he was 'a man of aristocratick principles' by stating: 'If by aristocracy they mean the Peers, I have no vulgar admiration, nor any vulgar antipathy towards them, I hold their order in cold and decent respect. I hold them to be of an absolute necessity in the Constitution, but I think they are only good when kept within their proper bounds.'<sup>2</sup> In 1796 Burke, in retaliation to criticism of him by the Duke of Bedford,<sup>3</sup> scion of one of the greatest of all aristocratic landed families, wrote disparagingly of those like the Duke, 'who hold large portions of wealth without any apparent merit of their own',<sup>4</sup> and he had incurred accusations of propagating 'levelling' principles. In general in the 1790s, however, faced by what he saw as the destruction of the nobility in France and by clamour against the Lords and the hereditary principle in Britain, as in the ribaldry of Thomas Paine<sup>5</sup> that 'an hereditary legislator is as absurd as an hereditary mathematician',<sup>6</sup> Burke committed himself fully to the unqualified defence of the House of Lords and of a hereditary aristocracy.

On 6 May 1791 Burke and Fox quarrelled spectacularly in the House of Commons. What Burke found least forgivable in what Fox then said was his insinuation that Burke, in his *Reflections on the Revolution in France*, had deserted the cause of liberty for that of monarchy and privilege. To refute what he regarded as a totally unjustified slur, Burke repeatedly asserted the consistency of his views on the constitution throughout his career. There was nothing in the *Reflections*, he wrote a few months later in the *Appeal*, 'unfavourable to a rational and generous spirit of liberty'.<sup>7</sup> He quoted his *Speech at the Conclusion of the Poll* at Bristol in 1774 as evidence that he had always upheld the central role of monarchy in the constitution. He had then said: 'We are members in a *great and antient* MONARCHY; and we must preserve religiously the true legal rights of the sovereign, which form the key-stone that binds together the noble and well-constructed arch of our empire and our constitution.'<sup>8</sup> Burke added that he had spoken then, 'not like a partizan of one particular member of our constitution, but as a person

<sup>1</sup> See below, pp. 187, n. 2 and 195.

<sup>2</sup> See below, p. 96.

<sup>3</sup> Francis Russell (1765–1802), 5th Duke of Bedford.

<sup>4</sup> *Letter to a Noble Lord*; vol. ix. pp. 162, 164.

<sup>5</sup> (1737–1809).

<sup>6</sup> See below, p. 433.

<sup>7</sup> See below, p. 401.

<sup>8</sup> See vol. iii, p. 70.

strongly, and on principle, attached to them all. He thought these great and essential members ought to be preserved, and preserved each in its place.<sup>1</sup> In the deepening crisis of the 1790s monarchy, Lords, and Commons were equally imperilled and must be defended together.

Strong underlying consistencies certainly run through Burke's exposition of the constitution over a long period. He had always sought to safeguard the rights and privileges appropriate to each of its three elements. Until the 1790s, however, his primary concern had been to uphold the position of the House of Commons. He had thus been able to combine due respect for the institution of monarchy with a deep mistrust of the aims he attributed to George III; and he could proclaim his unstinting admiration for the qualities of the aristocratic leadership of his own political connection while professing to be 'no friend to aristocracy, in the sense at least in which that word is usually understood', as well as being suspicious of the ambitions of the House of Lords.<sup>2</sup> In the 1790s, however, Burke suppressed in public any reservations he may have felt about the conduct of the persons entrusted with monarchical or aristocratic power (except when he was provoked beyond endurance by the Duke of Bedford) in favour of eulogies about the centrality of monarchy in the constitution and about aristocracy as the soul of the nation.

In the 1790s he was still, of course, concerned to uphold the independence of the House of Commons, but now he saw the threats coming from demands to make it an instrument of popular will and not from incursions by the other two elements of the legislature. Burke had been consistently wary of parliamentary reform, even if he was prepared to concede as late as 1783 that 'some Regulations, upon a thorough Investigation of the Subject, might be adopted without Prejudice to the Rights of Persons or Injury to the State'.<sup>3</sup> He had always insisted that a proper distance must be maintained between M.P.s and their constituents. In the 1790s he dismissed those who advocated parliamentary reform, like the young Foxites who had formed an association of the Friends of the People, as culpably reckless. Parliamentary reform was the pretext 'for all the sedition that has been sown for many years in this country'.<sup>4</sup> While Burke continued to refer to the House of Commons as the 'democratic' part of the constitution<sup>5</sup> and to accept that it should be responsive to the sense of the people, his definition of the people had become that it was a

<sup>1</sup> See below, p. 395.

<sup>2</sup> *Thoughts on the Present Discontents*; vol. ii, pp. 267–8.

<sup>3</sup> See below, p. 216.

<sup>4</sup> See below, p. 622.

<sup>5</sup> e.g. see below, p. 391.

body submitting to the leadership of 'the wiser, the more expert, and the more opulent'. On many subjects, even great questions of war and peace, he now thought that public opinion in any wide sense was unqualified to judge. The poor might suffer by war with revolutionary France, but its causes '*they* are utterly incapable of comprehending; and, indeed, it is not every man in the highest classes who is altogether equal to it'.<sup>1</sup>

The Regency crisis of 1788–9 was the last occasion on which Burke had been preoccupied with the balance between the elements of the constitution. Thereafter he was convinced that the constitution as a whole was in great danger of being subverted in the name of the 'rights of man' and the 'sovereignty of the people'. These principles would bring about a moral as well as political revolution. All the component parts of the British constitution must therefore be cherished together. What was to be defended was still recognizably the constitution as Burke had always defined it, but the emphasis was now on the predominant role of monarchy, on the virtues of a hereditary peerage, and on a House of Commons that he saw as 'a species of aristocracy' rather than a body that he had described in 1770 as dependent 'on the affection or the opinion of the people for their political being'.<sup>2</sup> By the 1790s, in the balance between liberty and order embodied in the constitution, order had become the first priority for Burke. True liberty, he thought, was impossible without the due enforcement of order, and he was increasingly invoking the importance of 'subordination' as an essential element in properly constituted societies.<sup>3</sup>

Speaking on the Army Estimates on 9 February 1790, Burke stated in public for the first time that he feared for the constitution because there were people in Britain who saw the new order emerging in France as worthy of imitation.<sup>4</sup> He elaborated on this danger in the *Reflections* and thereafter, except on matters concerning Warren Hastings, he rarely spoke in public or published anything without invoking the threat posed by the contagion of France. He increasingly referred to those whom he regarded as disaffected to the British constitution as part of a pan-European 'Jacobin' movement, directed from France and aiming to 'destroy the whole frame and fabrick of the old Societies of the world, and to regenerate them after their own fashion'.<sup>5</sup> Britain could only be made safe from

<sup>1</sup> *Observations on the Conduct of the Majority*; vol. viii, p. 433.

<sup>2</sup> *Thoughts on the Present Discontents*; vol. ii, p. 303.

<sup>3</sup> See below, p. 610 and references in *Speech on the Army Estimates*, below, pp. 290, 292, 299, 300.

<sup>4</sup> See below, p. 287. <sup>5</sup> *Corr.* viii. 130.

subversion by Jacobins by waging war against their homeland in France until the new system there was utterly destroyed. Peaceful coexistence was impossible. Were Britain to make peace, her constitution could not possibly survive. This was the theme of the *Letters on a Regicide Peace*, the last of Burke's major publications to appear in his lifetime. He died still firmly believing that peace with France would be the death-warrant for Britain as he had known it.

The editor's Introduction to volume viii of this series contains an analysis of Burke's interpretation of French events; what follows will be a brief attempt to suggest how the material in this volume may contribute to understanding Burke's sense of the threat to Britain. Many contemporaries and most historians have found Burke's interpretation of the nature of this threat to have been seriously distorted, both by his overwhelming emphasis on the external enemy and by his determination to lump together many different strands of British opinion under the heading of 'Jacobins'. Influences emanating from France were not necessarily decisive in shaping British opinion and they varied widely according to the nature of the regime in power there. At certain times they could indeed have a powerful effect on critics of the existing order in Britain, notably in the late months of 1792 and through 1793 into 1794. Yet the movements in Britain that Burke feared and denounced were often pursuing specifically British objectives of reform or constitutional change, which also varied very greatly, from proposals for modest parliamentary reform to aspirations for a British republic. In a striking passage in his *Fourth Letter on a Regicide Peace*, Burke showed that he was aware that he was confronting home-grown disaffection as well as imported sedition. He wrote there of 'a strong Jacobin faction in this Country which has long employed itself in speculating upon Constitutions . . . The French Revolution did not cause it: it only discovered it, increased it, and gave fresh vigour to its operations. I have reason to be persuaded, that it was in this Country, and from English Writers and English Caballers, that France herself was instituted in this revolutionary fury.'<sup>1</sup> Nevertheless, in spite of such insights, the threat from France was to be the dominant note in all his warnings about the state of Britain.

This note was sounded early. Burke's immediate target in his speech on the Army Estimates on 9 February 1790 and in the *Reflections* published

<sup>1</sup> Vol. ix, pp. 83–4. Some recent scholarship gives support to this view; see the study of the influence of 'classical' English republican writing on French republicanism in R. Hammersley, *French Revolutionaries and English Republicans: The Cordeliers Club, 1790–1794*, Woodbridge, 2005.



the following November was Richard Price and his views about the British constitution. 'In reality,' he wrote, 'my Object was not France, in the first instance, but this Country.'<sup>1</sup> But he also focused at once on the danger of contagion from France. As the full title of the *Reflections* made clear, he was much concerned with the *Proceedings in Certain Societies in London* relative to France. He seems to have seen bodies like the Revolution Society, to whom Price had delivered his discourse on 4 November 1789, as re-incarnations of the associations of the early 1780s that he had come to dislike so much. Through their expressions of admiration and sympathy for what was happening in France, and the congratulatory messages that they were exchanging with the National Assembly and with political clubs in France, they were propagating French ideology in Britain. In his speech on the Army Estimates he denounced the Revolution Society as 'wicked persons [who] had shewn a strong disposition to recommend an imitation of the French spirit of Reform'.<sup>2</sup>

Burke was also quick to see a French connection too in demands for change which came at least ostensibly from an entirely British direction: that is, from campaigns against discrimination on religious grounds. In 1790 and 1792 Parliament considered relief for Roman Catholics, for Protestant Dissenters in general, and for the denomination called Unitarians. Burke took a major part on all three occasions. He cordially welcomed relief for the Catholics, avoided voting on the petition of the Dissenters, on which he expressed strong reservations, and had no hesitation in opposing that of the Unitarians. In his speeches Burke elaborated on his deeply held convictions about the role of religion in society. Religion, he wrote in his notes for the Unitarian debate, is 'one of the great bonds of human Society, and its *Object* the supreme good and ultimate End and *Object*, of man himself'.<sup>3</sup> On a later occasion he spoke of the 'benefits which society in general derived from the morality founded upon the belief in the existence of God, and the comforts which individuals felt in leaving this world, in the hopes of seeing and enjoying happiness with his Maker in the next'.<sup>4</sup> He had denounced the French Revolution from the outset for what he took to be its hostility to Christianity and for its plunder of the resources of the Church; he later became convinced that the Revolution was propagating militant atheism, a doctrine 'which would drive morality out of the world, and cut asunder the bonds which unite

<sup>1</sup> *Corr.* vi. 141.

<sup>2</sup> See below, p. 287.

<sup>3</sup> See below, p. 491.

<sup>4</sup> See below, p. 544.



man to man, and the creatures to their Creator'.<sup>1</sup> Burke insisted that the status of the Church of England as the established church must be maintained 'safe and entire'.<sup>2</sup> He defended the established church not on theological grounds but because of its role in society and in upholding the constitution.<sup>3</sup> He believed that the Church of England offered the benefits of religion to individuals and society in a form particularly suited to 'the frame and pattern of your civil constitution'. It instilled 'a manly rational solid and at the same time humble piety'. It served as 'a barrier against Fanaticism, infidelity, atheism', while offering 'balm to the human mind in the affliction and distresses of the world—consolation in sickness, pain poverty, and Death'. It 'dignifies with an hope of immortality, leaves enquiry free whilst it preserves an authority to teach where authority only can teach'.<sup>4</sup> He saw Church and state not as separate allies but as part of a single 'Christian Commonwealth'.<sup>5</sup> Were the Church establishment to be overthrown, the state could not survive in its existing form. Attacks on the Church establishment were inseparable from other attacks on the constitution and must be firmly resisted.

For all his loyalty to the Church of England, Burke had also been committed to religious toleration throughout his public life. 'A tender conscience', he wrote, was 'of all things to be tenderly handled'.<sup>6</sup> He had always wished to bring men of all descriptions into the service of the state.<sup>7</sup> The Unitarians aroused the acutest anxiety in him, but he was prepared to support relief for them when 'I see them with no other views than to enjoy their own conscience in peace'.<sup>8</sup> He had advocated relief for Catholics and Protestant Dissenters in the past and he professed to be willing to do so again, where, as was the case now with the Catholics, there were no countervailing considerations. For the Protestant Dissenters, and above all for the Unitarians, he considered that there were at the present time powerful countervailing considerations.

Protestant Dissenters in general were petitioning for the lifting of restrictions on their playing a role in public life laid down by the Test and Corporation Acts, and Unitarians were asking for the statutes imposing

<sup>1</sup> See below, p. 544.

<sup>2</sup> See below, p. 310.

<sup>3</sup> This must not be taken as evidence that he had no strong theological convictions in his commitment to Anglicanism. There is much evidence to the contrary, see N. Aston, 'A "Lay Divine": Burke, Christianity, and the Preservation of the British State, 1790–1797' in Aston, ed., *Religious Change in Europe 1650–1914: Essays for John McManners*, Oxford, 1997, pp. 185–211; J. C. D. Clark, ed., *Edmund Burke, Reflections on the Revolution in France*, Stanford, Calif., 2001, Introduction, pp. 25–31.

<sup>4</sup> See below, p. 504.

<sup>5</sup> See below, p. 490.

<sup>6</sup> See below, p. 502.

<sup>7</sup> See below, p. 501.

<sup>8</sup> See below, p. 501.

penalties on those who denied the Trinity to be repealed. Burke, however, believed that these requests, with which he was not necessarily unsympathetic in principle, would be the prelude to an assault on the established church. He now saw Protestant Dissenters concerned not with righting historic wrongs but as threatening the 'very being' of the Church of England and wishing to strip it of its privileges.<sup>1</sup> Were the Test and Corporation Acts to be repealed, he feared that the Commons, 'under the influence of Election Tests and popular fury',<sup>2</sup> would be cowed into demolishing the church establishment by legal enactment. Changes to the secular order would then follow. Nine-tenths of the Dissenters were, he wrote in September 1791, 'entirely devoted, some with greater some with less zeal to the principles of the French Revolution'.<sup>3</sup> He was particularly fearful of the intentions of the militants among the Dissenters, especially the Unitarians. He put the newly formed Unitarian Society, whose toasting of the French Revolution and the rights of man at their meetings he quoted with zest,<sup>4</sup> on a par with other subversive political associations. He believed that they might join with secular 'Revolutionists' to re-enact in London the events of July to October 1789 in Paris: they would 'seize on the Tower of London and the Magazines it contains, murder the Governour and the Mayor of London, seize upon the King's person, drive out the House of Lords', and dictate to the Commons.<sup>5</sup> Whether brought about by infiltrating the Commons or by a coup, the outcome would be very similar to that in France. A settlement would be imposed on the disestablished Church of England similar to the Civil Constitution of the Clergy. The subjugation of the Church would be the prelude to subverting the state. This is what Burke believed that the Dissenting militants intended: 'they were going on evidently in a design to overturn the Church, the State, and the Constitution, and to erect in its stead the *glorious fabric of France*.'<sup>6</sup>

In 1790 and 1791 Burke accepted that the threat within Britain was not immediate and that opinion in the country as a whole was 'sound', even if he saw a high potential for danger in the machinations of the clubs and societies, of the so-called Rational Dissenters, and of freelance enemies of the constitution like Thomas Paine. The situation was made more perilous in his view by the indulgence being extended to such people by irresponsible politicians, among whom he increasingly included Charles Fox. From the summer of 1792 the outlook seemed to him to have become

<sup>1</sup> See below, p. 311.

<sup>2</sup> See below, p. 503.

<sup>3</sup> *Corr.* vi. 419–20.

<sup>4</sup> See below, p. 508.

<sup>5</sup> See below, p. 498.

<sup>6</sup> See below, p. 513.

much more menacing. The new French republic was bent not just on subversion but on spreading its doctrines by conquest. These doctrines appeared to be winning support in Britain that went far beyond the metropolitan clubs. Burke was outraged at the dispatch of addresses and the visits of delegations from various British clubs to pledge solidarity with the republic in its struggle in the winter of 1792 against its 'despotic' enemies, Austria and Prussia. The activities of clubs in Manchester particularly caught his attention. He repeatedly warned the House of Commons that there was clear evidence of the growth of a pro-French fifth column. He believed that the French encouraged such contacts in order to build up 'a faction at home, whose object was to force us into an alliance with the French, for the purpose of jointly propagating their mischievous principles'.<sup>1</sup> He was now in no doubt that this faction enjoyed the patronage of Fox and his political allies. He was becoming particularly suspicious of 'the trading and manufacturing world':

We know the dispositions of people who are used to Clubbs and Town meetings above all others to a democrattick Spirit. The Clubbs will affiliate, and be affiliated—they will fraternize and be fraternized—a scene of cabal and sedition will be opened, far surpassing any thing you have seen and heard before and in vain you will endeavour to arrest its Course and a connexion is formed which all the Wisdom and Power of this Nation never can break.<sup>2</sup>

Trade with France would be a vehicle for subversion, and it and all other forms of communication between the two countries must be forbidden wherever possible. Even if they were not active Jacobins, the disposition of merchants was towards a dangerous cosmopolitanism, which made them receptive to false ideas of universal fraternity, the cloak for French domination. Love of country was an essential antidote to the poison of French fraternity. 'Nothing can contribute more to the destruction of that Idea of Local Patriotism—than the excessive predominance of *commercial principles*, money and traffick and getting them wholly to supersede the local Interest of the State.'<sup>3</sup> Britain was a 'Commercial Nation', but 'her Commerce was a subservient instrument to her greater Interests, her Security, her Honour, and her Religion'.<sup>4</sup>

By the time he left Parliament, Burke was convinced that the societies had developed a 'whole system of sedition and of treason' that was spreading 'into every corner of the kingdom'.<sup>5</sup> In his *First Letter on a*

<sup>1</sup> See below, p. 568.

<sup>2</sup> See below, p. 592, n. 4.

<sup>3</sup> See below, p. 585.

<sup>4</sup> See below, p. 582.

<sup>5</sup> See below, pp. 623–4.

*Regicide Peace* he estimated that there might be in England and Scotland some four hundred thousand 'political citizens': that is, males above 'menial dependence' with 'tolerable leisure' and 'some means of information'. About 80,000 of these were, he thought, 'pure Jacobins'. They were determined to bring about change 'by English cabal' or 'by the cabal of France into which they are virtually incorporated'.<sup>1</sup>

Burke's ultimate fear was that the mass of the British population would be corrupted and incited to overthrow the propertied order that sustained all properly constituted societies. He frequently reminded the Commons of the horrors of popular violence as shown in the Gordon riots of 1780, which he had personally experienced. 'The great Object of the Jacobin System', he wrote, 'is to excite the lowest description of the People to range themselves under ambitious men, for the pillage and destruction of the more eminent orders and classes of the community.'<sup>2</sup> 'The moment that equality and the sovereignty of the people was adopted as the rule of Government, property would be at an end, and religion, morality and law, which grew out of property, would fall with it.'<sup>3</sup>

If the formation of Government was committed to the no-property people, the first thing they would do obviously would be to plunder those who had property; and the next thing would be to plunder and massacre each other. After all, if it were asked, Did he prefer property to virtue? His answer would be, No. To honour?—No. To morals?—No. To arts and literature?—No. But he respected property, in as much as it was the basis on which they were all erected—the soul that animated, and the genius that protected them all.<sup>4</sup>

In a speech on 14 December 1792 he had warned against the dangers of propagating the concept of equality: 'if a person of weak mind took it into his head that he was entitled to an equal participation of property, what would be the fatal consequence. . . . He would have it impressed upon every man's mind, he would have it taught in the Sunday Schools, rest content in that situation in which God has placed you.'<sup>5</sup> The outbreak of war, with its inevitable hardships for the poor, exacerbated the danger. In his view, 'the riches of the rich were held in trust for the poor'; but 'this the common people little understood, nor could they be made to understand it, if people held out false communications to corrupt them'.<sup>6</sup> Such 'false communications' were being industriously propagated by revolutionary France. In response to Fox's confident assertion that all ranks of society

<sup>1</sup> Vol. ix, p. 224.

<sup>2</sup> *Observations on the Conduct of the Minority*; vol. viii, p. 434.

<sup>3</sup> See below, p. 573.

<sup>4</sup> See below, p. 609.

<sup>5</sup> See below, p. 523, n. 3.

<sup>6</sup> See below, pp. 554–5.



had 'an interest in the general protection of property', Burke expounded a bleakly pessimistic view of the outlook of the poor. Ninety-nine out of a hundred of them knew that they had no hope of acquiring property by 'industry'; so the temptation to acquire it by 'Robbery' was very strong. Property must therefore be protected through the agencies of a 'Stern Law, an avenging God, a frowning religion and a frowning police'.<sup>1</sup> Attempts to ameliorate the condition of the poor by government action were mis-conceived in principle and would be futile in practice. 'Money was not the means whereby distressed manufacturers were to be relieved; to give them money would be to make them idle, and prevent their return to industry. If they chanced, by misfortune, to fall into poverty or distress, their sole relief must be from Heaven.'<sup>2</sup> In one of his last parliamentary speeches in the summer of 1794 Burke feared that, 'there was real ground for apprehension' that Jacobinism would prevail in Britain,

unless all those who had a stake to risk of their own, as well as a general regard for the interests of the British empire, took some pains by their influence to preserve order, enforce due subordination, and maintain quiet and tranquillity, by convincing the people that their true happiness consisted in a continuance of that constitution, and that government, under which they daily experienced so many inestimable blessings.<sup>3</sup>

'When, indeed, the smallest rights of the poorest people in the kingdom are in question', Burke had written for a probably undelivered speech in 1781, 'I would set my face against any act of pride and power countenanced by the highest; . . . my part is taken, I would take my fate with the poor, and low and feeble.'<sup>4</sup> In fragmentary notes of self-justification which seem to date from the early 1780s, he wrote that he had made 'one rule with myself—To act as the representative of the people who had no power'. He then gave as examples that he had worked for America, for Ireland, 'for the Catholics', and above all for India; that had involved him in 'Labours beyond my strength—feelings beyond my command—and struggles beyond my powers'.<sup>5</sup> There is much evidence in this volume that Burke continued to respond to the causes of 'the poor, and low and feeble' or of 'the people who had no power' throughout the whole of his parliamentary career.

India was for Burke the great cause of a 'people who had no power'. He never sought to disengage from India. However discouraging the prospects

<sup>1</sup> See below, p. 573 and n. 4.

<sup>2</sup> See below, pp. 604–5.

<sup>3</sup> See below, pp. 609–10.

<sup>4</sup> See below, p. 97.

<sup>5</sup> MS. at Sheffield, Bk. 25. 190.



for the Hastings trial might become, abandoning it was never even remotely an option for him. To give up the impeachment would be to 'give over whole nations to the pride, the fury, the avarice, the extortion, the oppression, and the tyranny of their Governors'.<sup>1</sup> Moreover, a successful prosecution was essential to preserve the constitution from the threat of what he called 'Indianism'. In 1795 Burke wrote that: 'Our Government and our Laws are beset by two different Enemies, which are sapping its foundations, Indianism and Jacobinism.'<sup>2</sup> He believed that empire in India, ruled abusively as it had been, endangered both British society and British institutions because it unleashed into Britain waves of men enriched by improper means who deployed their ill-gotten wealth to corrupt the political system and who, even more damagingly, degraded the national character by the vices they brought with them: they were habituated to cheating and forgery and to the lawless exercise of arbitrary power. Like the Jacobins, they had no regard for 'property, ranks and dignity'.<sup>3</sup> Hastings's escape from punishment would be a victory for such people with dire consequences. The trial must go on.

At the beginning of this volume Burke was still assailing the folly and injustice of waging the war against America that was coming to an end. He had taken up the cause of a number of individual Americans whom he saw as victims of unjust oppression,<sup>4</sup> as well as advocating conciliation and peace. An independent America no longer needed Burke's support, and he had mixed feelings about it. The much-repeated proposition that he favoured the American Revolution while totally opposing the French one is misleading, unless the American Revolution is narrowly defined. He fully accepted the right of the Americans to resist what he saw as violations of the rights of British subjects by the British government in its attempts to coerce them, and he reluctantly conceded that, as a result of the war, some form of separation of the colonies from Britain had become inevitable. But the transformation of the former colonies into states with constitutions that purported to be based on principles entirely different from those of the British constitution was a development that he viewed with great misgiving. He had hoped that Americans would continue to recognize 'the Sovereignty of the King; for this Country being essentially Monarchical, there is no other way of uniting its members, but under the Supremacy of the Crown'.<sup>5</sup> Americans who encountered Burke after the war did not

<sup>1</sup> Vol. vii, p. 98.

<sup>2</sup> *Corr.* viii. 432.

<sup>3</sup> See vol. vii, pp. 15-18.

<sup>4</sup> See below, pp. 116-17.

<sup>5</sup> See below, p. 130.

generally find him sympathetic to the new republic.<sup>1</sup> Answering Fox's assertion that Americans had rebelled because 'they had not enjoyed liberty enough' within the British empire, Burke replied that had he believed that 'the Americans had rebelled merely in order to enlarge their liberty, Mr. Burke would have thought very differently of the American cause'.<sup>2</sup> The enacting of the Constitution seems, however, to have changed his views. He believed that in designing their federal republic, the Americans 'had no materials to form a Monarchy nor an Aristocracy; but they have brought their government as near as possible to the British Constitution . . . They have guarded their Constitution by reciprocal checks; they have established in imitation of the House of Lords and House of Commons in this Country, a Congress and a Senate'.<sup>3</sup> He concluded that the Americans had demonstrated that they had resisted Britain not to create a new political order but to restore their British inheritance.

The spread of the American War into the West Indies produced an episode which Burke regarded as wholly discreditable to British arms and as calling for intervention on behalf of powerless victims who had been grievously wronged. This was the seizure and plundering of the Dutch island of St Eustatius by an expedition commanded by Admiral Sir George Rodney.<sup>4</sup> In two debates in 1781 Burke called unsuccessfully for a parliamentary inquiry. British commanders had, he considered, violated their inescapable obligations under the law of nations, which Burke called 'the great ligament of mankind'.<sup>5</sup> This was a law 'as firm, as clear, as manifest, as obligatory, as indispensable' as 'the laws of Britain' itself.<sup>6</sup> In the report of the first of his St Eustatius speeches and in notes drafted for it Burke gave his fullest exposition of that law, a concept that plays a most important part in this volume.<sup>7</sup> The obligations of Britain towards its conquered colony of Canada were shaped by the law of nations.<sup>8</sup> Revolutionary France had torn up the law of nations, and under its provisions the European powers were entitled to take action against it. Reinforcing the law of nations were the obligations of 'humanity'. These were particularly binding in the case of a people involved in the sack of St Eustatius, whom 'it ought to be the care and wish of humane nations to protect'. These were Jewish merchants who lacked a state authority to assert their rights under the law of nations. 'Humanity must then become their protector and ally.'<sup>9</sup>

<sup>1</sup> See below, pp. 131, 166.

<sup>2</sup> See below, p. 396.

<sup>3</sup> See below, p. 330, n. 1.

<sup>4</sup> George Brydges Rodney (1719–92), later (1782) 1st Baron Rodney.

<sup>5</sup> *First Letter on a Regicide Peace*; vol. ix, p. 240.

<sup>6</sup> See below, pp. 78–9.

<sup>7</sup> See below, pp. 78–82, 91–4.

<sup>8</sup> See below, p. 327.

<sup>9</sup> See below, p. 74.

Burke was keenly alert to abuses in the forcible movement of helpless people around the world. In 1785 he took up the case of those convicts whom he believed were about to be transported to certain death in West Africa.<sup>1</sup> In 1780 he had drafted a code to regulate British colonial slavery and the slave trade.<sup>2</sup> By 1789 he had come to the view that Britain's involvement in the slave trade was 'disgraceful to the nation and shocking to humanity'. It degraded Britain in the eyes of Europe.<sup>3</sup> Arguments for its continuation based on necessity could have no standing: 'the Africans had a claim on our humanity which could not be resisted.'<sup>4</sup> It was Parliament's duty to abolish the trade forthwith. Whether the state of slavery could be tolerated within the British empire was an issue yet to come before Parliament. In Burke's view it was contrary to 'true religion and morality' for a person to be kept in a state of slavery<sup>5</sup> in which he ceased to be man,<sup>6</sup> but he believed that immediate abolition was impractical and therefore that efforts must be made to ameliorate the condition of the slaves.

Burke included Roman Catholics among the powerless in whose cause he had laboured. He remained committed to them for the rest of his life. He strongly supported the granting of relief to English Catholics in 1791,<sup>7</sup> and used all his powers of persuasion in his last years to win concessions for Irish Catholics who were, he believed, being driven towards Jacobinism by the intransigence of the Protestant Ascendancy. His demands for relief for them were uncompromising and radical in their implications. He wrote in March 1792 that 'the emancipation of that Great body of my original countrymen' ultimately meant more to him than even the survival of the established Church of Ireland.<sup>8</sup>

On 28 December 1792 Burke gave the House some sense of the way in which events in France had taken over his life when he asked members to 'excuse him for any unusual degree of warmth, when he mentioned the French Revolution, he protested his duty in that House occupied all his thoughts; out of the twenty-four hours, besides those which he devoted to natural rest, he scarce spent half an hour in any other pursuit'.<sup>9</sup> He was convinced that he was witnessing the destruction not only of 'the old system' in Britain, to which "I owe every thing I possess: under it, and the sanction of piety, I have received my education"', but of European

<sup>1</sup> See below, pp. 226–35.

<sup>2</sup> Sketch of a Negro Code; vol. iii, pp. 562–81.

<sup>3</sup> See below, p. 273.

<sup>4</sup> See below, pp. 278–9.

<sup>5</sup> Vol. iii, p. 563.

<sup>6</sup> See below, p. 275.

<sup>7</sup> See below, pp. 319–24.

<sup>8</sup> *Corr.* vii. 118.

<sup>9</sup> See below, p. 535, n. 2.

civilization as a whole, 'taking in laws, manners, religion and politics in which I delighted so much'.<sup>1</sup> This obsession dominated every other consideration, apart from Hastings and India. Attitudes to the French Revolution became for Burke the standard by which all else was judged. It was a moral issue. Those who were informed about what was happening in France and still continued 'to countenance the French insanity, were not mistaken politicians but bad men'.<sup>2</sup> Anyone on the wrong side of the divide was open to vituperative abuse. The principal actors in the Revolution in France were of course vilified and ridiculed, epithets such as 'murderer' or 'pickpocket' being specially applied to constitutional monarchists and Girondins, for whom he knew that Fox and his friends had some sympathy. Supporters of the Revolution in Britain were vilified too. The Revolution Society was 'the mother of absolute Evil'.<sup>3</sup> Burke had been willing to pay compliments to the 'acknowledged literary abilities' of Joseph Priestley,<sup>4</sup> but they did not spare him from the sneering suggestion that he sympathized with France out of resentment that 'his great services to philosophy, politics, and religion had not been sufficiently rewarded in this country'.<sup>5</sup> Burke professed that he did not wish to make enemies or lose friends, yet if the British constitution was at stake 'he would risk all'.<sup>6</sup> This he did. It is hard not to see him as having engineered the showdown with Fox. On the night of 6 May 1791 Fox wept; Burke was coldly furious. Groups once regarded as worthy of his support but now deemed to be on the wrong side about France lost his sympathy. He confessed that 'With several Dissenters he had long lived in the greatest intimacy and happiness. Indeed they were among those of his friends whom he valued most highly.'<sup>7</sup> But in 1791 he wrote of the Dissenters that they 'complain that they are not loved. . . . To be loved you must be amiable—If they are not who can help it'.<sup>8</sup> What they suffered in the Church and King riots at Birmingham that year was not religious persecution, but the consequence of their wayward political views and therefore their own fault.<sup>9</sup>

The challenge of defending the British constitution from what he saw as French assaults moved Burke to profound reflections on the nature of society and government, notably represented in this volume by passages in the *Appeal from the New to the Old Whigs*. It also extended the reach of his compassion to new suffering groups, notably to the French *émigrés* and

<sup>1</sup> See below, p. 565; *Corr.* ix. 307.

<sup>2</sup> See below, p. 379.

<sup>3</sup> See below, p. 584.

<sup>4</sup> (1733–1804).

<sup>5</sup> See below, p. 569.

<sup>6</sup> See below, p. 344.

<sup>7</sup> See below, p. 317.

<sup>8</sup> MS. at Sheffield, Bk. 10. 10.

<sup>9</sup> See below, p. 509.



their children; those who were at the school near his home became ‘almost his only comfort’<sup>1</sup> after the death in 1794 of his beloved son.<sup>2</sup> For Burke the Revolution was a tragedy for the whole of French society. He firmly rejected conventional accusations that he cared only for ‘the plumage’—the royal family, the nobility and the higher clergy—and not for ‘the dying bird’:

In France were the poor better treated than the rich? Were they not forced to rise *en masse*? To account for every bushel of corn in their possession? The shop keeper was put in requisition to make shoes for the armies. No labourer knew whether he should enjoy for a day his earnings, or even his liberty or his life.<sup>3</sup>

But a campaign pursued in so obsessive a way exacted a heavy price from him. Deeply pessimistic about the future and seeing himself as beleaguered in the midst of turpitude, folly, and cowardice, he adhered rigidly to his own rectitude, sacrificing to it some of the sympathies and the generous vision of politics and human nature that had enriched his life.

<sup>1</sup> *Corr.* ix. 226 n.

<sup>2</sup> Richard Burke (1758–94).

<sup>3</sup> See below, p. 609.



## THE SOURCES

The great body of material in this volume consists of reports of what Burke said in the House of Commons, together with a few papers relating to parliamentary business which can be attributed to him. In addition, two speeches delivered outside Parliament, one at Aylesbury in 1784 and one in London in 1787, are included. The volume also contains three items published by Burke. Burke published the resolutions that he moved on 14 June 1784 as *A Representation to His Majesty*, and he published a version of what he had said on 9 February 1790 as the *Substance* of his *Speech on the Army Estimates*. Other pamphlets and essays on Britain and France published by Burke in this period, including the most famous piece that he ever wrote, the *Reflections on the Revolution in France*, were, with one exception, included in volume viii of this series. That exception, the *Appeal from the New to the Old Whigs*, is reproduced here.

### The Writings

The texts for the three published items have been chosen according to the principles laid down by the late Professor William B. Todd. In the case of the *Representation*, the first and only edition is used. The third edition is used for the *Speech on the Army Estimates* and the fourth edition for the *Appeal*. These are the last for which Burke could have been responsible for any revisions. Further textual issues for these three items are dealt with in Appendix B.

### The Speeches

Versions of three of the speeches printed in this volume, on the Marriage Act in 1781, on parliamentary reform in 1784, and on the Unitarian petition in 1792, were included by Burke's original editors, French Laurence<sup>1</sup> and Walker King,<sup>2</sup> in the fifth volume of Burke's *Works*

<sup>1</sup> (1727–1809).

<sup>2</sup> (1755–1827).

(1792–1827). Their versions, they explained, were constructed from MSS. surviving in Burke's papers. For the speeches on the Marriage Act and on parliamentary reform the MSS. that they used appear no longer to survive, and so the texts as in *Works* (1792–1827) are published here. Abundant MS. material survives, however, for the Unitarian petition speech; this has been used to reconstruct the version in this volume.

Newspaper reports are by far the most important source for Burke's parliamentary speeches. They have, however, serious limitations. James Stephen,<sup>1</sup> who worked as reporter for the *Morning Post* in 1781, was stating the obvious when he wrote in his memoirs that it must not be supposed that 'a Newspaper Report is a full length picture of any debate'. 'The fullest report . . . is but a brief abridgment of what was actually said.'<sup>2</sup> The *World* explained in 1790 that its policy in printing parliamentary reports was to give 'All the leading features—the prominent character of every debate— . . . without fatiguing the public with what is unnecessary'.<sup>3</sup> Although the House of Commons was at least tacitly easing obstacles to reporting debates, conditions for reporters in the gallery were still cramped and difficult and the gallery could be cleared at a moment's notice if the House so decided. As important debates went on far into the night, newspapers had to be put together in a 'bustle' in the early hours of the morning if they were to reach their public at a reasonable time on the following day.<sup>4</sup> Accurate reporting of Burke must have been particularly difficult. He could deliver speeches of great complexity at a very high speed. Reporters often confessed that they could give no more than an outline with the salient points of what he had said. He also tended to speak late in debates. Earlier contributions to a debate were usually much more fully covered than the later ones.

Both the number of London newspapers reporting parliamentary debates and the space which was allocated to such reports increased markedly in the period covered by this volume. William ('Memory') Woodfall,<sup>5</sup> the most admired parliamentary reporter of his time, admitted in 1789 that he now had 'most powerful competitors'.<sup>6</sup> Some newspapers began to

<sup>1</sup> (1758–1832), later a prominent campaigner against the slave trade and slavery.

<sup>2</sup> M. M. Bevington, ed., *The Memoirs of James Stephen Written by Himself for the use of his Children*, London, 1954, pp. 292–3.

<sup>3</sup> *World*, 25 Nov. 1790.

<sup>4</sup> *Morning Chronicle*, 17 Dec. 1792. The *Chronicle* was apologizing for having accidentally omitted a speech by Burke, but added that considering the conditions under which newspapers were produced, it was surprising that such things did not happen more often.

<sup>5</sup> (1746–1803).

<sup>6</sup> *Diary*, 30 Mar. 1789.

employ more than one reporter. Reports originated in six or more daily papers and were then copied by bi-weekly and tri-weekly ones, by the provincial press, and in magazines and periodicals. What seem to be the fullest of the daily newspaper reports have been used as the source for many speeches printed here. Where significant additions of material occur in later compilations of debates, these versions have generally been preferred.

Such compilations took a number of forms. When debates or series of debates were deemed to be particularly important, publishers might issue accounts of them in pamphlets.<sup>1</sup> Before they were published, M.P.s were usually invited to submit revisions to the reports of their speeches. Revisions could also be made in the annual compilations of parliamentary proceedings drawn from the newspapers. The most esteemed of these was the *Parliamentary Register*, which is the source for a considerable number of the items in this volume. This was the successor to a publication of the same name produced for some years by John Almon.<sup>2</sup> Almon and John Debrett<sup>3</sup> were the joint publishers of the first number of the new venture, appearing in 1781. Thereafter Debrett was the sole publisher. He urged M.P.s to submit revisions of their speeches to him. Although Debrett, as Almon had been, was the publisher generally favoured by the opposition, there is no direct evidence of Burke providing him with such revisions. Nevertheless, there seems to be a reasonable presumption that Burke may have been the source for material which appears in any report of a speech of his in the *Parliamentary Register* which contains passages that cannot be found in any newspaper account. Volumes of collected debates which speakers were assumed to have been able to revise acquired 'an authorial authenticity'.<sup>4</sup> As a contemporary put it, such collections 'make a part of the library of every gentleman, and they are invariably quoted by all parties'.<sup>5</sup> A further compilation of speeches was to be made in the early nineteenth century. This was the *Parliamentary History of England from the Norman Conquest in 1066 to the Year 1803*, begun in 1806 under the direction of William Cobbett.<sup>6</sup> The *Parliamentary History* drew heavily on the *Parliamentary Register*, which has been preferred to it in this volume, except in some instances where the *Parliamentary History* contains

<sup>1</sup> e.g. see *A Complete and Accurate Account of the Very Important Debate in the House of Commons on 9 July 1782*, below, p. 150, or *Debates in both Houses of Parliament on Thursday 13th, Friday 14th and Saturday 15th December 1792 on the King's Speech* . . . , London, 1792.

<sup>2</sup> (1737–1805).      <sup>3</sup> (d. 1822).

<sup>4</sup> C. Reid, *Imprison'd Wranglers: The Rhetorical Culture of the House of Commons, 1760–1800*, Oxford, 2012, p. 74.

<sup>5</sup> *Public Advertiser*, 14 Dec. 1786.

<sup>6</sup> (1762–1835).

additional material that cannot be accounted for elsewhere. The four volumes of the *Speeches of the Right Honourable Edmund Burke* that appeared in 1816, edited by John Wright,<sup>1</sup> are essentially compilations from the *Parliamentary History* and, as in other volumes of this edition, have not been used as a source for texts.

Burke was usually dismissive about the accuracy of the newspapers. He complained that in reporting his speech on 17 December 1781, 'the newspaper, as usual, has totally misrepresented and distorted almost all that I said. The matters of fact are clumsily and incorrectly stated.'<sup>2</sup> 'What most of the newspapers make me say, I know not, nor do I much care', he wrote in 1790.<sup>3</sup> Yet it seems undeniable that, allowing for all the difficulties under which they laboured, the newspaper reporters did him and other M.P.s, not to mention later historians, good service. The correlation between their reports and Burke's surviving MSS. notes and drafts was often quite close. Newspaper reporters seem to have been well-educated men,<sup>4</sup> who could reproduce the line of argument in a Burke speech and even give his Latin tags more or less correctly. Papers generally aligned themselves politically with either the ministerial or the opposition side, but they prided themselves on the impartiality of their reporting of debates.<sup>5</sup> In 1793 the *Morning Chronicle*, a paper which Burke considered with good reason to be Foxite and irredeemably hostile to him, claimed that: 'It is ever our study to give a candid report of the proceedings without reference to sides. . . . [W]e have reason to believe that Ministers do us the justice to say, that though we oppose their measures, their arguments are fairly and honestly stated in the CHRONICLE.'<sup>6</sup> The reporters' achievement was to provide versions of debates which, at least after refining for the annual compilations, were 'invariably quoted by all parties' as a record.<sup>7</sup>

For this volume, as for volumes ii and iii, there are important survivals of Burke MSS. The principal collection of them is now divided between the Archives and Local Studies Library of Sheffield City Library and the Northamptonshire Record Office. The MSS. are particularly rich for the St Eustatius inquiry, the Regency debates, and the French Revolution. They consist of notes of all sorts, copies of material which might be used

<sup>1</sup> (c. 1770–1844).

<sup>2</sup> See below, p. 116.

<sup>3</sup> *Corr.* vi. 97.

<sup>4</sup> Reid, *Imprison'd Wranglers*, p. 76.

<sup>5</sup> See Stephen's comments on this in Bevington, ed., *Stephen Memoirs*, p. 292.

<sup>6</sup> *Morning Chronicle*, 14 Feb. 1793. Burke complained that the *Chronicle* gave excessive attention to Fox's speeches while mangling those of William Windham (see below, p. 548).

<sup>7</sup> *Public Advertiser*, 14 Dec. 1786.

for speeches and writings, jottings clearly made during debates, and often lengthy sheets of what seem to be drafts for speeches. Connections can often be made between these and published reports of speeches. On many occasions, as when he made unplanned interventions in a debate or when speaking towards the end of one, or, as was his custom, he replied to points made by others, Burke clearly spoke spontaneously without notes. For major speeches, however, he did prepare in advance. According to James Prior,<sup>1</sup> Burke's early nineteenth-century biographer, before speaking

On new, or very important questions, he committed some of the chief heads of his argument to paper, but for the language in which it was conveyed, the colouring, illustration, and the whole artillery of that forcible diction and figurative boldness in which he has not merely no equal, but no competitor, he trusted to a well stored mind, a retentive memory, and a readiness which, from constant discipline in the school of debate, never failed him.<sup>2</sup>

It seems, in fact, that Prior underestimated how much Burke did commit to paper before a major speech. not only do the outlines of the argument appear in these drafts but also quite long passages and particular turns of phrase. These drafts are therefore of great importance. Extended use is made of them in this volume. In some cases they provide the main texts and in many others they are used to amplify or to correct the printed reports.

<sup>1</sup> (c.1790–1869).

<sup>2</sup> *Memoir of the Life and Character of the Right Hon. Edmund Burke*, 3rd edn., London, 1839, p. 566.



## NOTES ON TRANSCRIPTION

A guide to the principles of textual treatment and transcription adopted for this version will be found in volume i. The main points bearing on this volume are as follows:

The spelling, capitalization, punctuation, and paragraphing of original MSS. are reproduced exactly, subject to the following exceptions:

1. Standard eighteenth-century abbreviations, e.g. 'wch' for 'which', are expanded.
2. The punctuation of Burke's papers presents problems. In many cases a sentence break was plainly intended but not properly indicated. Consequently missing stops and capital letters have occasionally been supplied.
3. Angle brackets < . . > are used to indicate words or phrases which are illegible, or to enclose conjectural readings.
4. Square brackets [ ] are used sparingly to supply obvious gaps and omissions, where the sense would otherwise be seriously affected.

With few exceptions the printed texts are also followed exactly, whatever their typographical form, and thus here, contrary to modern British practice, often retain around cited matter double quotation marks. However, redundant marks in the left margin are deleted, and digraphs and ligatures are separated. A few other idiosyncrasies, found only in printed texts not under Burke's supervision, and thus without warrant, are regularized according to present typographical conventions. Square brackets appearing in printed texts are generally reproduced from the original.

Speeches are dated according to the day on which the debate in question began, even when Burke is known actually to have spoken after midnight.

## Speech on Dutch War 25 January 1781

Sources: 1 a. and b. *Morning Chronicle*, 26, 30 January 1781  
2. *London Courant*, 26 January 1781.

The *Morning Chronicle* published two accounts of the debate: a 'hasty sketch of yesterday's business' on 26 January and a 'Resumed account' on 30 January. Together these provide the fullest version of Burke's first speech. The version which appeared in *Parl. Reg.*, i. 341–2 and later in *Parl. Hist.*, xxi. 1078–80 conflated the two accounts into one. They are given separately here. Burke's second speech was not covered by the *Morning Chronicle*. The fullest version of it appears to have been in the *London Courant*, 26 January, which was reproduced in *Parl. Reg.*, i. 372–3 and *Parl. Hist.*, xxi. 1104–5. A considerable body of MS. material relating to this debate survives in Burke's papers: a draft version of a speech at Northampton, A. xxvii. 77 and other drafts at Northampton, A. xxvii. 20 and at Sheffield, Bk. 7. 22.

In the last days of 1780 Britain added to its enemies in the American War by commencing hostilities against the Dutch Republic. On 20 December attacks on Dutch shipping were authorized. Parliament was in recess when this decision was taken. It was not until 25 January that both Houses were formally told of the new war in a royal message.

The Republic had long been Britain's ally, deemed to be an essential link in the 'old system' of alliances to contain France. In the second half of the eighteenth century, however, Anglo-Dutch relations became increasingly strained. To large sections of Dutch opinion, close alliance with Britain seemed no longer to be in the Republic's best interests. The Dutch had been neutral in the Seven Years War and they maintained their neutrality in the American War. To the British, Dutch neutrality seemed to be a betrayal of their historic obligations and to be motivated by the pursuit of commercial profit regardless of any other consideration (often thought to be characteristic of a now degenerate people). The policy being pursued by the Dutch was held to be greatly damaging to Britain's war effort. The Dutch were accused of supplying the French with naval stores and with undermining the British blockade of the American colonies by conducting a huge trade with them, especially through their West Indian islands. Ostensibly, Britain went to war to put a stop to the succour that Dutch commerce was giving to its enemies. There was, however, a more ambitious, although not openly avowed, design of using war as the means of bringing the Dutch back into Britain's fold by strengthening those thought to be Britain's partisans at the expense of pro-French elements.<sup>1</sup> It was not difficult for opposition speakers to make a case that Britain was wantonly adding to its enemies by turning on, in Burke's words, 'an old, natural, and a most advantageous ally'. Both on this occasion and in his speeches on St Eustatius,<sup>2</sup> Burke developed an additional argument of some sophistication: that is, that a neutral Netherlands trading with all parties was actually in Britain's interest. 'Making a War of Depredation upon a great Trading State which by its situation and circumstances is the Center of communication, and the deposit both of *Credit* and *Property*, cannot be done without exposing yourselves to great inconveniences. You think you are only plundering Holland. You find . . . above all you rob yourself.'<sup>3</sup> Burke opened the debate after North had presented a list of papers to vindicate the decision to go to war.

<sup>1</sup> H. M. Scott, 'Sir Joseph Yorke, Dutch Politics and the Origins of the Fourth Anglo-Dutch War', *Historical Journal*, xxxi, 1988, 571–89.

<sup>2</sup> See below, pp. 65–94, 103–16.

<sup>3</sup> MS. at Sheffield, Bk. 7. 21.

(1a) *MORNING CHRONICLE*, 26 January 1781

Mr. *Burke* rose and said, that however light and satisfactory a war with the States of Holland might be to the consideration of some men, he was one of those *old fools*, who had not yet either forgot or abandoned the old-fashioned idea, that going to war, was at all events, a very serious matter, a matter not to be hastily determined on, a matter which nothing but great political necessity, and the strongest prudential reasons could justify!<sup>1</sup> He did not mean, at the moment, to state to the House his opinion of the rupture with Holland, because he was not yet sufficiently informed upon the subject, nor did he conceive from the heads of the papers just read, that he was likely to be enabled by those papers to get at all the information necessary for him and necessary for the House to be in possession of, before they came to any decisive judgment as to the propriety or prudence of what had already been done by his Majesty's ministers, and what it was fit for that House to give sanction to in future. Far was he from meaning to impeach, to question, or to meddle with his Majesty's prerogative right of making war and peace in any manner whatever; all he wished was, that Parliament should have every possible information on so great, so important, and so very serious a matter, as the commencement of hostilities with our old and natural Ally, the United States of Holland, at this period when our hands were (God knew) too full of war already, and when the burthens sustained by the people, in consequence of the publick expence, were so enormous and so grievous, that it was scarcely within any man's expectation that they could be borne much longer. He did not, if his ear had not been deceived, hear the Clerk read the title of a Memorial, of which an honourable friend of his had on a former occasion spoken, and which had been delivered by Sir Joseph Yorke in the year 1777. A memorial, which he could not but consider as having immediate relation to the war, and which therefore was highly necessary to be laid before the House, with

<sup>1</sup> In a draft for the speech, Burke had written: 'We have been so long in a War of a very singular Species, that the Genius and Character of the Nation seems to me to be totally altered by it. We thought the plunder of America a better bargain than the trade of it—We therefore made an act. All the rest followed as a natural consequence. The rest of the world saw it in a very different light. At present war seems to be considered as the *Natural State* of Great Britain and the addition of a *new Enemy* is therefore nothing more than one of those things that are *necessarily included in the very Constitution* of our fame and which must of course be developed in its due time. That when we are at peace with any power, that power is dangerous and mischievous to us and <deprives> us of certain of our rights.

I cannot say that I have not discovered even a degree of Joy among many people in the occasion; and it is not surprising on the hypothesis I have stated. They consider plunder not commerce as the *proper food* of our power; and consequently the *acquisition* of a *new Enemy* is like that of opening a *new branch of Trade* when the old is exhausted.' (MS. at Northampton, A. xxvii. 77).

the others, which the noble Lord had just presented.<sup>1</sup> Mr. Burke added, that he should reserve the farther intimation of his sentiments upon the very serious topic to which his Majesty's message referred, till a future period of the debate, which it might be expected after the papers had been fully read to the House; he could not, however, but take the opportunity of reprobating the late long adjournment, as a matter highly criminal in Ministers, who (as they must have known that so important an event as a war with Holland, the most important political event, that perhaps could happen, considering the present circumstances and situation of Great Britain, was likely to take place,) ought not to have adjourned Parliament at all, or if at all, for a very short period.<sup>2</sup> How that adjournment came to be for so long a time, and why so material a circumstance as a declaration of war with Holland was ventured on by Ministers during a recess, when there was the strongest reason to have kept Parliament in hand, in order that the voice of the people might be collected and gathered, was a matter which, would be well worth a future enquiry; at present he for one, thought it right, that the adjournment, such as it was, should receive his animadversion. Mr. Burke concluded with again asking whether the Memorial of 1777 was delivered with the others or not?

(1b) *MORNING CHRONICLE*, 30 January 1781

MR. BURKE (in his first speech) declared that he did not mean at all to discuss the justice of the war, which his Majesty's ministers had advised the Crown to enter into against an old, a natural, and a most advantageous ally; it would, he was perfectly aware, be ridiculous to talk of the justice of the war in a partial assembly, but there were other considerations well worth the attention of the House; the question struck him as a prudential question, for circumstanced as we were, the prudence and the policy of the war were not less important points to be ascertained than its justice. He hoped therefore since Ministry had committed Great Britain and reduced Parliament to the miserable alternative either of supporting the war, or of becoming liable to the charge of abandoning the cause of their country, that

<sup>1</sup> The memorial, not included in the government's selection of documents but reproduced in *Parl. Reg.*, i. 342–3, was dated 21 February 1777. It was a threatening remonstrance to the Dutch about trade with America from their island of St Eustatius, delivered and probably drafted by the British ambassador at The Hague, Sir Joseph Yorke (1724–92), later (1788) 1st Baron Dover. Thomas Townshend (1733–1800), later (1783) 1st Baron and (1789) 1st Viscount Sydney, spoke in the debate of 'the haughty insulting language of the Memorial of 1777, which he had repeatedly called for, and demanded to know the author of, but in vain'.

<sup>2</sup> The House had adjourned on 6 December 1780 until 23 January 1781.



they had ample proof to lay before the House, that the war was prudent, or that it was unavoidably necessary. The Manifesto<sup>1</sup> stated, that a treaty was entered into between the City of Amsterdam, or rather the Magistracy of that City and America—this was a fact which lay with Ministers to make out. The treaty, the title of which the clerk had just read, as the title of one of the papers presented by the noble Lord in the blue ribband,<sup>2</sup> was, if he put a right construction on the express terms of it, the plan of an *eventual* treaty, the rough draft of a *compact hereafter to be entered into* between the contracting parties, and with which the United States in their general potentate capacity, as a republick, had no concern whatever. He wanted therefore to know, whether the King's servants had, either among Mr. Laurens's Papers, or by any other means, obtained a copy of any treaty actually entered into and completely executed? The treaty, the title of which had just been read, depended altogether upon events, they were unknown and might not happen, in which case the treaty would never have been ratified. The treaty therefore, to which he was alluding, was to be considered rather as a speculative essay, and a mere contemplative project, than a record of fact.<sup>3</sup>

North followed Burke with a long defence of the decision to make war on the Dutch, before he moved that the House should vote a motion of thanks for the royal message. Burke intervened again later in the debate in response to a speech by Lord George Germain,<sup>4</sup> the Secretary of State with responsibility for the war.

## (2) LONDON COURANT, 26 January 1781

Mr. *Burke* followed Lord George, lamented much the dreadful situation into which this country had been plunged by the folly and ignorance of Ministers, reflected upon the spirit of insolence and haughtiness which seemed to animate the noble Lord who spoke last.

<sup>1</sup> The statement of British grievances, dated 20 December 1780, printed in *Parl. Hist.*, xxi. 968–72.

<sup>2</sup> North was entitled to wear the blue ribbon of a Knight of the Garter.

<sup>3</sup> The British manifesto accused the city of Amsterdam of negotiating a treaty 'with our rebellious subjects'. Burke's scepticism about the nature of the 'treaty' was well founded. In 1778 an agent of the city of Amsterdam, which had no power to make foreign treaties, and the American William Lee (1739–95), acting on his own without Congressional authority, had drafted an agreement which was intended to secure Amsterdam's trade with America in the event of the colonies attaining their independence. The negotiations went no further. Although he regarded it as an 'inauthentic paper the project—eventual of two Gentlemen in their private capacities' (P. M. Hamer *et al.*, eds., *The Papers of Henry Laurens*, 16 vols., Columbia, SC, 1963–2003, xv. 332), Henry Laurens (1724–92), former President of Congress, took the draft with him when he set out for the Netherlands in August 1780 on an official mission to negotiate a loan and a treaty. He was captured by a British warship and the draft was seized and exploited by the British government as evidence of official Dutch negotiations with the Americans.

<sup>4</sup> (1716–85), later (1782) 1st Viscount Sackville.



He asked what was the reason we were at present without an ally? This was owing to a spirit of arrogance in our councils.<sup>1</sup> The consequence was, that after Holland, we should have Russia and all the other armed neutral powers against us. In the natural course of things, that which carried an evil aspect turned out often to be beneficial in its consequence. Peradventure, added he, this armed neutrality, hostile in appearance to Great-Britain might in case of extremity interpose and raise up its friendly arm to support her from sinking, and to preserve the proper balance of power:<sup>2</sup> but now we had rushed on precipitately to attack one of these armed powers, the others connected together by the same treaty and alliance, would soon follow.

That Holland might be considered from her situation and other circumstances, as a kind of general market, in which all the kingdoms of Europe were more or less connected. Her commerce was a kind of commercial neutrality; and so enlarged were her views, as not only to supply other nations at war, but even her own enemies, with warlike articles, to be employed against herself. A nation, therefore, considered as so universally useful, her cause would be a common one. He concluded with adding, that he could not give his approbation of a war big with such dreadful consequences, without having more material information before him.

At the end of the debate, North's motion passed without a division. Burke was, however, shortly to bring the Dutch war before Parliament again, when he called for an inquiry into the most spectacular of the opening assaults on the Dutch, the seizure of the West Indian island of St Eustatius.<sup>3</sup>

<sup>1</sup> In a draft, evidently intended for this debate, Burke had written: 'If you go on thus decaying in strength and increasing in ferocity, violence and cruelty—like old decayed vicious Brutes you will be shut out from the community of Mankind and hunted to destruction as Enemies to the human Species, hunted down as a kind of noxious Vermin a vile and easy Prey. You wonder you have no allies . . . ' (MS. at Northampton, A. xxvii. 20).

<sup>2</sup> The Armed Neutrality originated in the Declaration of Neutral Rights issued by the Russian Empress, Catherine II (1729–96), in March 1780. This invited other commercial states to join in resisting British pretensions to regulate shipping in wartime. The Dutch decided in November 1780 to accede to the Armed Neutrality. The British government therefore provoked a war with them before their accession took place. The member states of the Armed Neutrality did not, in the event, intervene in the war on behalf of the Dutch.

<sup>3</sup> See below, pp. 65–95.

## Speech on Economical Reform Bill 15 February 1781

Source: *Parl. Reg.*, i. 482–99.

The longest newspaper report for this speech is that which appeared in two instalments in the *Aurora*, 16, 17 February. The version in *Parl. Reg.*, repeated in *Parl. Hist.*, xxi. 1223–40, is fuller than that in any newspaper. The printer of the *Morning Chronicle*, a paper on which *Parl. Reg.* relied heavily, promised to supplement his brief report on 16 February with ‘a much more ample account of Mr. BURKE’S SPEECH, than we could possibly present our readers with, in a sketch so hastily written’. That version has not been found but it may be the basis of what appeared in *Parl. Reg.* Sixteen pages in Burke’s hand, much revised and rewritten, that survive at Sheffield (Bk. 14. 7, 8, 12, 17) are clearly related to this speech and to the speeches that he delivered on 19 and 26 February. The close correspondence between these drafts and the *Parl. Reg.* version suggests that Burke may well have provided material for John Debrett, the printer of the *Parl. Reg.*, who was the publisher generally used by the opposition.

In 1780 Burke had launched his programme for reducing wasteful expenditure and curbing the excessive political influence of the Crown by a series of measures under the general heading of economical reform. The five bills that he intended to introduce were prefaced on 11 February by one of Burke’s most widely admired speeches.<sup>1</sup> Although in the early months of 1780 the North government was under strong pressure, both within Parliament and outside it, the administration was able to delay the progress of Burke’s bills and to defeat them piecemeal. The bills died with the dissolution of Parliament in September 1780. In the new Parliament the government’s position was initially stronger than it had been. The opposition was even more divided and outside agitation had passed its peak. Burke was, however, determined to bring forward a set of proposals which would be essentially the same as those of the previous year. In moving for leave to bring in his bills, Burke delivered another major speech with a ‘brilliant and captivating eloquence’ which, in the view of one who heard it, must ‘still vibrate on the ears of the House’ some days later.<sup>2</sup>

Mr. *Burke* rose about half past six o’clock, and previous to his entering on the subject of his intended motion, he moved That the Journals of the 6th day of April 1780, be read. They accordingly were so, and the matter referred to was as follows:

“Resolved, that it is necessary to declare, that the influence of the Crown has increased, is increasing, and ought to be diminished.”

“That it is competent to this House to examine and correct abuses in the expenditure of the civil list revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the wisdom of this House to do so.”

<sup>1</sup> Vol. iii, pp. 483–551.

<sup>2</sup> John Courtenay (1738–1816), *Parl. Reg.*, ii. 33.

“That it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House from the different counties, cities, and towns, of this kingdom”.<sup>1</sup>

This being done, he proceeded to state to the House his occasion for renewing this important business. These resolutions, which had been made in the last session of the last Parliament, he considered as a valuable legacy bequeathed to the public, and an atonement for the criminal servility which had marked and stigmatized their previous conduct. Even in their present form they were something more than declaratory; they formed a title, and a body of maxims authorizing the people of this country to expect from their present representatives that which is declared to be necessary by their predecessors. They were incomplete, indeed, in their present form; they wanted specific conclusions to give the effect and benefit which they held out. It remained for the present Parliament to accomplish and fulfil what the other had but begun, that the resolutions, which had been read, might not stand upon the Journals, public monuments of their disgrace. He had intimated to the House, that on this day he intended to renew the important consideration of this business, and offer to them propositions for carrying into effect the resolutions which had been read. He had chosen that day, as it was appointed for the second call of the House, from the prospect of a full attendance; and he was happy to see that his expectations were not frustrated.<sup>2</sup> He would not on the present occasion trouble them so long, to enter so fully into the merits and practicability of the proposed reform as he did the year before; because he was well convinced, that every part of the House was now in full possession of his ideas on the subject. These resolutions were the result of a long, deliberate, and sober debate, when the House was well attended, and when a spirit pervaded every corner of the place which was friendly to reformation and œconomy. They did not originate in that House; the spirit came from abroad; they came from the high and towering mountain of public spirit, initiated by suffering and aroused by necessity. It was that spirit which had piled up heaps of complaints and petitions on their table, and had pointed out to them what

<sup>1</sup> These were the Dunning resolutions, called after their mover John Dunning (1731–83), later (1782) 1st Baron Ashburton, from the Shelburne wing of the opposition. Their passing marked the highest point attained by the opponents of North in the old Parliament.

<sup>2</sup> An ‘uncommon attendance of members and strangers’ was reported (*Morning Herald*, 16 Feb. 1781). This was in part because of the Call of the House, which required attendance or a plausible excuse for non-attendance. Defaulters were liable to be taken into custody.

was necessary and what was looked for.<sup>1</sup> In consequence of this burst of public opinion, the House became virtuous and wise; they attended their duty without any influence of grace, or treasury document in their pockets; and adopted the spirit which their constituents had inspired.

On coming into Parliament, therefore, the first thing which had struck him as his duty, was the famous resolutions which had been made in consequence of that spirit; and he had, soon after he came amongst them, given notice of his intention of moving, on that day, for leave to renew the business.<sup>2</sup> This was the purpose with which he rose, and he entertained the confidence of meeting with men, in the new Parliament, who would consider it as their duty to go hand in hand with him in carrying into execution the wishes of the people; those wishes which had been delivered in thunder and lightning, and which they now expected to see carried into fruition. It being admitted that a speedy and effectual redress was necessary, there could be no excuse nor apology for not carrying it into execution. The wisdom and power of the present Parliament were the foundations on which public confidence could rest. The wisdom and the power were all that could be conceived to be necessary to the accomplishment of this business. The wisdom and the power of Parliament were adequate to all the purposes of national security, æconomical government, and public respect. They would not for a moment believe that Parliament wanted integrity to adopt what its wisdom suggested, and its power could execute. They would not believe, that they wanted inclination to satisfy the minds of the people, to attend to their legal petitions, to hear and to inquire into the truth of their complaints, and to grant them the full redress of every actual grievance. They would not give harbour to such a suggestion, until they could reason from experience; and not thinking, therefore, that their representatives wanted integrity, they trusted every thing to their power and their wisdom. The people from every part of the country had declared, that æconomy and retrenchment was required to the existence of the state, and they considered it as a measure that ought to be adopted. He was happy that in the course of his studies, (if any thing to which he applied himself might be allowed to claim the distinguished appellation), he should have met the public spirit and the public voice on its

<sup>1</sup> By April 1780 nearly forty constituencies, including more than half the English counties, had submitted petitions for economical reform. This meant that 'about a fifth of the English electorate' had signed (I. R. Christie, *Wilkes, Weyhill and Reform: The Parliamentary Reform Movement in British Politics, 1765-1785*, London, 1962, p. 97).

<sup>2</sup> Burke had given notice on 6 February that he intended to introduce his bill.



way. Their ideas had been the same, and therefore he thought himself justified in signing the petitions, and in offering to the consideration of the House 'such thoughts as arose in his mind on the subject. The people had applied to the House, and though they had not agreed in any one system of complaint, or plan of reform, yet they had all stated either errors or calamities in the administration of government, and expence, which certainly<sup>1</sup> ought to be rectified, although they did not agree in the means. He had not gone along with them in all their ideas, because he did not conceive that they were all practicable or proper.<sup>2</sup> Something good there was in all the petitions; and though they had prepared various plans, and had differed about the mode of redress, there were two things in which they had all agreed; and those were, that retrenchment and œconomy was necessary, and that the influence of the crown was become dangerous, and alarming in its extent. The last object was of the most serious importance; for it was by means of this influence, that profusion and extravagance were increased. It was the creating and created power; influence and profusion were mutually dependent on each other, and by their joint force and assistance were supported and increased. They declared the necessity of diminishing that influence, which had rendered the two Houses of Parliament accessory to the power of the crown, instead of being a balance against it.

It was the duty of a wise legislature to listen to the applications and the complaints of the people. Like the skilful physician, they were to feel the pulse of the patient, and having discovered the seat and the nature of the disorder, they were to apply the remedy. They were not to withhold it, because the people were patient under suffering; or because they were clamorous. They were to study the temper, to look into the constitutions, and the state of the governed, and watching their motions, they were to apply the remedy at the proper season. When the petitions were presented to the House, there were general meetings of the people in every county and city of the kingdom; they were legal and grave in their deportment; they were peaceable and loyal; some men in that House had pretended to charge them with illegality in their proceedings; that their meetings tended to disorder and convulsion; and were unwholesome, and unfit to be

<sup>1</sup> 'certainly' in original.

<sup>2</sup> In the two most active centres of petitioning—Yorkshire and London—the demands of the petitioners were passing far beyond what Burke and most of the Rockinghams could support. From Yorkshire there were calls for shorter parliaments and redistribution of seats; in London there was pressure for universal manhood suffrage.



suffered.<sup>1</sup> Without entering into any refutation of a charge which he considered as ill-founded and ridiculous, he would only say, that whether they were so or not, it became a wise and prudent legislature to attend to the reality and the body of the complaint, and not to the form or the irregularity in which it was made. This was their duty as well as their prudence and policy; and in attending to this, they would chuse rather to dissipate complaint by removing the evils, than by correcting the heats arising therefrom. The difference between a wise and an intemperate government was, that the one administered, with<sup>2</sup> justice and mercy, without being influenced by the petulance, or disturbed by the clamours of the subject; it was not heated by the violence of resentment, nor rendered severe and obdurate by the patience of suffering. An intemperate government, on the contrary, entered into all the heats, alarms, and suspicions of the people; they whipped the infant till it cried, and whipped it for crying. When the people were submissive, the government was cruel; when they were violent, it was cowardly.

In consequence of the petitions laid upon their table, two attempts had been made to carry into execution the wishes of the people. An honourable friend of his had introduced a plan to correct the abuses in the public expenditure, by which the money would be brought to a more speedy account, and be applied more æconomically to the public service.<sup>3</sup> This plan, founded in wisdom and the fairest probability, was superseded by a scheme of the noble lord in the blue ribbon, who thought that a tribunal erected by himself, dependent on himself, and paid by himself, would answer the purpose of correcting the abuses complained of, better than any other system of regulation: and by this hopeful expedient he took from Parliament their ancient, hereditary, inherent right of controuling and checking the public expenditure. He trusted, however, that the House had

<sup>1</sup> 'Persons in power or connected with persons in power, seemed to apprehend that the spirit of those meetings was not entirely peaceable, and that the proceedings were not strictly legal. I conceived otherwise, but the matter I thought neither then, nor now, to be worth the pains of much repetition. All I looked for (and all I thought a wise man ought to look to) was the *generality* and the strength of this opinion; and Its manifest foundation in Truth and reason, for if under that impression they transgressed strict bounds of law and displaced a little the middle temper of a ballanced moderation, it only shewd the opinion of the grievance to be greater and I never heard before, that a warm and even intemperate resentment of injury was a proof that no injury at all existed, or was felt as if it had.' (MS. at Sheffield, Bk. 14. 8).

<sup>2</sup> 'without' in original.

<sup>3</sup> On 14 February 1780 Isaac Barré (1726–1802), Shelburne's leading spokesman in the House of Commons, had proposed the setting up of a parliamentary committee to reform the national finances and eliminate superfluous offices.

divested themselves of this right but for a time, and that they would, on reflection, see that they had parted with a great constitutional benefit, for a chimerical, unsubstantial good. He reprobated the conduct of the noble lord in this respect, as at once delusive and ungentleman-like.<sup>1</sup> The second attempt to carry into execution the wishes of the people, had fallen upon his shoulders; it was a plan for an æconomical reform of many abuses in the civil department of government, and for retrenching the influence of the crown, maintained by the emoluments of useless offices, and of unmerited pensions.<sup>2</sup> The House knew the circumstances, and the fate of that plan. It consisted of five bills, two of which were allowed to be printed, and consequently the young members, as well as the old, were acquainted with them.<sup>3</sup> The first was a bill for an æconomical reform of the public expence, by abolishing useless offices and unmerited pensions. The second was a bill for the better regulation of the civil list revenue and expenditure. These two were printed and known. The other three were objects of the same nature, all forming parts of the comprehensive plan of general reform.<sup>4</sup> His object was twofold, viz. "A saving in the public expences, and a reduction of the influence of the crown."

This reform he endeavoured to effect, not arbitrarily, piece-meal, and at random, but upon certain principles by which the different particulars, in which he endeavoured to effect a reformation, would be connected into one system, which should grow up by degrees to greater perfection, and be productive of still increasing benefits. He conceived that it was necessary to rescind unmerited pensions, to abolish useless places both in the court and in the state, and to inspect and controul the whole civil list. By the scheme he had proposed, there would arise a saving to the public of two hundred thousand pounds annually, at least. But what he valued more than all this

<sup>1</sup> On 2 March Lord North introduced the government's own proposal, which was for a Commission of Public Accounts, consisting of 'respectable independent and intelligent gentlemen', who were not members of Parliament. Although the commission was denounced by the opposition, it won wide respect and was to serve successive administrations over a period of six years, producing fifteen reports. Burke soon changed his opinion, referring in June 1782 to the work on the public accounts being 'most ably executed by the commissioners' (*Parl. Reg.*, vii. 231). His first Pay Office Bill (see below, p. 147) was based on the commission's recommendations and drawn up with the help of one of the commissioners (see Lord John Cavendish's speech, 18 June 1782, *Morning Chronicle*, 20 June 1782).

<sup>2</sup> Burke's plan for economical reform presented on 11 February 1780, vol. iii, pp. 481–551.

<sup>3</sup> Bills 'for the better regulation of his Majesty's civil establishment' and for 'uniting to the Crown the Principality of Wales and the County Palatine of Chester' were printed in 1780 (*Commons Sessional Papers*, xxix. 361–87, 507–18).

<sup>4</sup> Other bills were for the sale of forest and other Crown lands, and for uniting the Duchies of Lancaster and Cornwall to the Crown.

saving, was the destruction of an undue influence over the minds of fifty members of Parliament in both Houses.<sup>1</sup>

The minister was pleased to receive the proposition with approbation. He paid compliments to the principle, and opposed it by detail. At first, crowded Houses were seen in every stage of the business, and there was an appearance of conviction on the minds of men: they had no objection to the abstract and general propositions, but when they came down to specific reform, they left him and his cause. The squeamishness of the House was such, that after swallowing those parts of the plan for which something might have been said, in respect to the use, the shew, the antiquity, or the respect;<sup>2</sup> they objected to others, for which the most ingenious advocate could not advance an argument. They first dwindled off from one question, and then silently stole away from another, till at last the whole was permitted to moulder and shrink imperceptibly from the view, and he was obliged, after much fatigue, and no success, to give it up, with the mortifying reflection, that his own labours, and those of the House had produced no benefit to his country.

He was fully aware that there were only two causes that could contribute to the success of a general plan of reform. The first and the most natural and easy was the approbation and the support of the minister. When public reform became a measure of state, and the sovereign was interested in the retrenchment of extravagance, then it became easy and secure. The other cause and occasion of success, was the spirit and the perseverance of the people: when they displayed the grave and rigorous spirit of determination, and soberly applied to their representatives for the reform, which they conceived to be necessary; then it was reasonable to expect that their virtuous resolution would communicate vigour to their representatives, and animate them to their duty. He thought it necessary to state this to the House, as a justification of himself in bringing forward the plan; for nothing could be so ridiculous and romantic as a reformer without probability and prospect. He stated, therefore, those two grounds to justify the prudence of his attempt; since though he was not assisted by the approbation of the minister, he was seconded and supported by the spirit and perseverance of the people. At that time he was so entrenched by the petitions of the people, that he could not raise his eyes and discover the enemy that lay on the other side; now indeed the entrenchments were

<sup>1</sup> This was a somewhat over-optimistic assessment of the likely effect of his reforms.

<sup>2</sup> Presumably of the offices to be abolished.

removed, the breast-work was taken away, and the enemy might view him from the top of the head to the buckles in his shoes, and he could see his enemy 'arrayed and armed against him. The question therefore was, whether, though it was right in the first instance, so defended, and so supported, it was right now? Whether he committed a rash and imprudent act now in bringing forward the same plan again? He asserted, that there was no imprudence in the undertaking, because there was no change in the opinion of the people. Their sentiments were undoubtedly the same, though they had not renewed their applications to the House. They might entertain the same notions of the necessity, of the expediency, of the virtue of such a reform, though they had not in the same anxious and eager manner presented their ideas upon it to the House. He believed that many gentlemen present were well convinced of the temper and the inclinations of their representatives:<sup>1</sup> and though some noble lord, with a blue ribbon, on the other side of the way, (remarkable for his wit and humour) might be inclined to indulge his disposition on the present occasion, and exclaim, "A fine mover of a popular bill; you who were rejected by your old constituents, and by all the people of England at a general election, and who owe your seat to my courtesy;<sup>2</sup> you, to be sure, must be a fine mover of a popular bill!" From this insinuation it might be argued, that the people of England were disinclined to the reformation proposed; that his old constituents, in particular, had evidently shewn their sentiments to be averse to the bill; because, if they had approved of his conduct, they would have chosen him again to represent them. To this he must answer, that it was very true he was rejected by his old constituents, and that he had not been chosen at the general election; but he denied the inference, though he felt the humiliation.<sup>3</sup> "I do not think," says the honourable gentleman, "that

<sup>1</sup> Presumably an error for 'constituents'.

<sup>2</sup> Having lost his seat at Bristol, Burke had been enabled to sit for Malton by the resignation of the sitting member, Savile Finch (c.1736–88), who had just been re-elected at the general election of 1780. The procedure for vacating a parliamentary seat was not an easy one. It required appointment to an office (usually the Stewardship of the Chiltern Hundreds) which was incompatible with a seat in the House of Commons. North had refused to authorize such appointments in the case of opposition M.P.s and had succeeded in defeating a bill which would have compelled him to do so in 1779. It was, however, discovered in the same year that appointment to an agency, over which the Crown had no direct control, would achieve the desired effect. Thenceforward, ministers ceased to obstruct M.P.s who wished to resign their seats. It was therefore not so much North's 'courtesy' as his realism that led him to sanction the proceedings by which Burke was enabled to sit for Malton.

<sup>3</sup> 'If I were to come into Parliament', Burke wrote after his defeat at Bristol, 'by any of the little posterns or sallyports of the constitution, my moving such Bills as I formerly did . . . would be a piece of Buffoonery, to which I am little inclined to submit: to decline that Business would lay me open to misconstruction . . .' (*Corr.* iv. 302).



because my old constituents, have not made choice of me, the people of England, have rejected the bill!" His old constituents might wish to have this business transacted by a man of more ability and more authority than himself, and so might the people of England; and so did he. He came there humbled, but not dissatisfied; humbled, but not depressed. Though his old constituents had not thought proper to return to him; yet as he was come back to that House, he should think it his duty there, as well as in every situation in which Providence should be pleased to place him, to act agreeable to the sentiments of obligation and rectitude. Humbled as he was, he wished not to have been the author of the renewed bill; but a spirit of politeness, which usually prevailed, and which had never been violated but in one instance,<sup>1</sup> and which he hoped would never be violated again, had prevailed on gentlemen to lay the task upon him, because he had been the original mover of the business. He begged leave to say, that though the people had not renewed their complaints, they had not rejected the bill. Their ideas were the same, both of the necessity and the advantage, and in some instances they had expressed their desires. They had sent deputies to town to concert measures for attaining these measures; they had recommended them as instructions to their representatives;<sup>2</sup> and he himself had been honoured with an application from the county of Devon,<sup>3</sup> requesting him to renew the attempt: and there he was, in obedience to their desires, recommencing the efforts which he had fruitlessly made the former year, in the service of those, for whom his best services were due. He had made no alteration in the plan; he meant, if the House would give him leave, to bring it forward in the same frame, that he might have room for all the wisdom and all the virtue of that assembly, to carry on and perfect the rude sketch of the reformation proposed. He most sincerely wished that the noble lord in the blue ribbon would take the matter from his hand, and conduct it through Parliament. He would rejoice at the change; since he did not solicit the honour, but the advantage of the plan. If the noble lord, with his shining weapons, would fight the battles of the people, secure of the benefits, if not of the triumphs of wisdom, he would gladly court the shade, sequestered from ambition and popularity.

<sup>1</sup> Burke is probably referring to North's decision to take the proposal for forming a Commission of Public Accounts out of Barré's hands.

<sup>2</sup> The Yorkshire committee had called for a general meeting in London of delegates from petitioning bodies. Yorkshire at least was prepared to put economical reform ahead of more radical demands. The meeting had not yet taken place when Burke introduced his bill (Christie, *Wilkes, Wyvill and Reform*, pp. 124-8).

<sup>3</sup> For this invitation, see *Corr.* iv. 258-60.



It might be asked with propriety, whether the necessity was less now than it was before? Certainly not. Had the people then abandoned the bill, because they had been silent? Certainly not. Many causes might contribute to their silence. It might be owing to the respect which they entertained for an untried Parliament. They might conceive, that as the necessity was pointed out to them, and the duty, the means might be safely left to their wisdom, integrity, and discretion. Or perhaps their silence was the effect of despair. They might see and feel that their wishes were incompetent with their strength, that Parliament was fortified by influence, and that as they had nothing to hope from the independence, they had every thing to apprehend from the power of Parliament. And as to their endeavouring to extort their request by force, they might conceive that the remedy would be more fatal than the disease. He thought so too. The object would not justify the expedient. But if they had hitherto patiently refrained from violence, and presented their petitions with temper, it was a sign of the want of virtue in those who made the conscience and fortitude of the people an argument against redress. He warned the House not to leave the people in so pernicious a sentiment as despair; there are limits beyond which human forbearance cannot not proceed.

He trusted, that the same unbecoming and inhuman spirit would not prevail in the House now, which had been too visible on many former occasions, of construing every act and expression of the people to their disadvantage; and taking their conduct, whatever it might be, as a reason for objecting to their desires. That if they were clamorous, they should be considered as dangerous, and their petitions be rejected, because their conduct tended to public convulsion: and if they were quiet, that their desires should be resisted, as by their coolness they could not be in earnest. Such was the sophistical reasoning of ministers, and thus they met the applications of the people. If, under the apprehensions of national danger, they should present a petition in great numbers, praying for a redress of grievances—No—they are insolent, they cannot even be heard in such a moment. This is cruel treatment; for injustice does not alter its nature, by provoking the resentment or the rage of those who suffer by it. On the other hand, when the people are quiet, it is said, Oh, never mind their petitions, they have too much conscience to pursue their object at the risk of a civil war. Indeed, I hope they have, said Mr. Burke, and I am one of those who think with them, that the object I contend for, should not be sought after through so dreadful a calamity. But I contend that this is very unfair reasoning; because the people have some conscience, that the

minister and his friends are determined to have none at all. If the House were to consider their rank and their situation, that they were the representatives of the people; dependent upon them, answerable for their conduct, and charged with the guardianship of the constitution: considering themselves in that light, they ought to pay regard to the desires of the people, by whom they were constituted, and give the most serious attention to applications so generally and seriously made. If they were to view themselves in another point of view, as a self-created, self-existing body, coming from the earth of the kingdom in which they lived, and attached to it by no other ties than such as were local and natural as citizens, without being bound as representatives, still they were called upon by the most serious motives: we were at war with ourselves; we were at war with our enemies; we were at war with our allies,<sup>1</sup> and there was great reason to apprehend that a more dreadful war was impending over our heads:—a war with those maritime powers by which our boasted naval superiority was suffered.<sup>2</sup> It became them, in such a crisis, to have regard to every method of retrenchment. In such a moment they ought to take from their civil establishments to add to their military service. They ought not to prefer shew to substance; for the expences of the war were too enormous to be always sustained by the people, unless something was done to supply as well as to impoverish them, to feed as well as to exhaust. The ministers boasted, indeed, that the resources of the nation were unbounded, which, reduced to plain meaning, amounted to no more than this—as long as there is a penny in your pocket, I will find the means of taking it out. While you are patient, and have any thing remaining, I have not concluded my resource. While gentlemen of extensive landed property found it impossible to raise a single shilling on their estates, and saw their tenants starving by the enormous increase of taxes, they were told that national distress was merely ideal, and as long as the premier could raise the ensuing year's supplies, no danger was to be apprehended: but such deception could not avail to disperse the substantial calamities of the country, or counterbalance the good policy of our natural enemies.—We heard much of the spirit of the people: that everything was to be accomplished by the spirit of the people. When enemy succeeded to enemy, and the guilty rashness of ministers leagued contending states against us, an

<sup>1</sup> The Dutch.

<sup>2</sup> There seemed to be a possibility of war with the 'armed neutrality', which included Russia and Sweden, major suppliers of British naval stores.

independence was to be maintained by the spirit of the people.<sup>1</sup> Abandoned by our allies, and left by Europe to our fate, not alone, our rescue, but our triumph was to be accomplished by the spirit of the people. In every situation, in every danger, and in every emergency, we were to find resource or consolation, escape or conquest in the spirit of the people. All this might be very true; the spirit of a free people would do much, but in his idea, a good deal of the consequence and effect of spirit would depend upon the strength. It was not proper to deny the manger, and to give the spur—that was to say, to deny the horse his necessary provender; and yet, trusting to his mettle, urge him by torture, to exertions for which his weakness was unqualified. The spirit of the people was the pride, as well as the bulwark of the country; and that spirit ought to be roused and nourished by tenderness and solicitude, not depressed and dissipated by severity and neglect. The body ought to be fed, that the soul may have its energy, and what would be the greatest inducement to the spirit of the people? Participation and example! He repeated it—participation and example! This would awake and animate the dormant flame of Britain. Let the government participate in the sufferings of the people. Let the King shew his subjects a glorious example of retrenchment and œconomy, and see if they have not virtue to imitate as well as to admire. This would give blood and bones and sinews to the war: the body thus invigorated, would acquire activity in its movements, and irresistible force in its exertions. The honour and the glory would belong to the government.—It would be magnanimity for which they would become dear to posterity. Their names would be revered, and called up as bright examples to future states.

He placed Parliament in another predicament. If they were the mere creatures of the crown, constituted, fed, and dependent on the court, he asserted that it would be their duty, and ought to be their inclination to advise the sovereign to œconomy and retrenchment. By the plan which had been prepared, they would be able to give the King that which Kings in general very much desired—power; for œconomy was power; it was wealth and resource; it was men and arms; it was all that ambition could either covet or exert to accomplish its ends. Were he then the creature of a despotic prince, he should, as his counsellor in his assembly advise him, in a time of trial and difficulty, to take from his civil expence, that he might add to his military establishment; to take from shew, that he might add to

<sup>1</sup> In his answer to the Address of the House of Commons at the beginning of the session, the King had been made to say that he had 'a firm confidence in the spirit of my brave people'.

substance; to make his people happy, that he might make them vigorous; to make his war a war of exertion, that his peace might be honourable and secure. He would recommend nothing that would detract from his true grandeur, or from the pomp of royalty; but to divest himself of a little that he might keep a great deal; to divest himself of profusion, that he might retain his power. He would tell him, that in a moment of expensive trial, it was better to part with that which was ornamental, than that which was solid; it was better to part with the embroidery than the coat;<sup>1</sup> it was easier to retrench the desert than the dinner. He would tell him, that to keep up the parade and shew of royalty, without the power thereof, was like the absurd vanity of taking from the manger to decorate a poor starved emaciated horse, with bells and trappings, while the poor animal deprived of food, tottered and groaned beneath the wretchedness of ornament. Such language and advice would not be unseasonable or impertinent, if addressed to an Alexander,<sup>2</sup> or a Charles,<sup>3</sup> since their retrenchments might increase their powers of war, and enable them to diffuse horror with more rapidity. But to a king like ours, who hated war, and loved peace; who participated in the interests, the joys, and the disasters of his people, it must be at once proper and welcome; for what was the true glory of the king of a free people? Sympathy. It was sympathy that made him great and amiable. A king is said to be the head of his people, not because he proudly overlooks his subjects from that eminence to which Providence has exalted him, but because he is the head of the body of his people, from whom they derive, by many communications of canals, and joints, and hands, that life and nourishment which actuate the whole frame.

If the stomach is sick, the head is disordered; it is affected in like manner, by the other disorders of the body. The King, in like manner, sympathises with the great body of his people, he rejoices in their joy; and is sorrowful at their sorrows. Such is our gracious sovereign. But a faction has stepped between him and his people, and prevented that happy sympathy which should prevail between the head and all the inferior members of the body. This faction it is the business of Parliament to quash—to tear the veil that is thereby interposed between the Sovereign and the people; to dispel those clouds that hide the royal countenance from his dutiful and affectionate subjects. And surely no sovereign that ever swayed the British sceptre, had more occasion for oeconomy than his present Majesty. He was blessed with

<sup>1</sup> An allusion to Jack's rampage in Swift's *Tale of a Tub*.

<sup>2</sup> Alexander the Great (356–323 BC).

<sup>3</sup> Charles XII of Sweden (1682–1718).



a more numerous progeny than any of his royal predecessors;<sup>1</sup> they were the objects of his pride and tenderness; they are also, says the honourable gentleman, the objects of our pride and tenderness, for they are the children of the empire, as well as of the King; and it becomes us all to provide for their future grandeur and respect. The respect, the credit, the dignity of the nation is concerned in their establishment; and we must not, by irrational extravagance, abandon the fair offspring of Britain, and leave them beggars in the world; the mere fragments of royalty; kings of experiment, to see how far respect would be connected with poverty, and royalty be maintained, when grandeur was lost. It was certain, that let the present war terminate as it may, either now or at a distant period; either in the reduction or the loss of America, we should not be able to maintain a dozen courts in this country. What then must be the consequence of profusion? What but that we shall turn them out bankrupts in fortune, while the parent's heart must be wrung with the melancholy reflection. His Majesty, who was inclined to cultivate the prosperity of his people, must feel the distresses of his people in this threatening ruin; and however he may be prevented by the guilty interposition of counsellors, must be anxious to court tranquillity and fame, by complying with the wishes of his people; to restore the communication between the nerves and the brain—that all the motions of the body may be transmitted through the fine ducts of the former to the latter, and from thence, with heat and moisture, be reconveyed through all the channels of the animal œconomy, preserving the connection that makes them mutually affect, and be affected by each other.

He was very sorry that last year he had been obliged to point out the King of France<sup>2</sup> as a model for our ministers to pursue; and they were greatly to blame for having given bad advice to a prince, whose native goodness would have enabled him, if he had been left to himself, to outrun the King of France, or any other monarch, in the noble race of generosity and love for his people: they were enemies therefore to his honour as well as to his crown, when they refused to recommend frugality in the expenditure of his treasures. The King of France had found sufficient resources in œconomy for the support of an expensive war; in the first year of it no taxes were imposed—the second year had passed over without any new tax; nay, the third year had begun, and no new taxes were laid; he believed the King had not even laid the ordinary war taxes. Thus his people felt the

<sup>1</sup> George III had fourteen children.

<sup>2</sup> Louis XVI. For Burke's account in 1780 of French finances, see vol. iii, pp. 487–90.



happiness of having a frugal prince, and a frugal minister: for frugality led the monarch to retrench from his own splendour rather than from the pittance of the subject; and in the abolition of six hundred and six offices, he has found out a resource to carry on the war, without laying any additional burthen on his people; he had stripped himself of the pageantry and foppery of royalty, but he had equipped a navy; he had reduced the number of his servants, but he had increased that of his ships; he had taken from his own personal eclat, but he had given to his country a marine, which will immortalize his reign: were M. Neckar's plan to proceed no further than it had already done, it had still produced this essential advantage to our enemies, that they had sustained the efforts of Great Britain three years without any impoverishment, and had now enough to begin the competition of resources with us, after we had been reduced by almost every species of taxation ingenuity could invent. This was not overlooked by the French King; for Neckar alone had stood his ground amidst all the cabals and intrigues of a court, a stranger, and unprotected as he was,<sup>1</sup> while almost every other minister had in his turn been dismissed. It was not yet true, as related in the newspapers, that he was dismissed the service.<sup>2</sup> Calumny might attempt perhaps to blacken this excellent statesman in his sovereign's eyes; but it was impossible to blind the discernment of that monarch, so far as to efface from his memory this honourable truth,—“He has given me a navy, and has not laid a tax upon my subjects!”

We want, says Mr. Burke, some such great minister, who like Neckar would strike out new and bold paths, suitable to the pressure of affairs. There is nothing done but on a little, low, fraudulent scale, producing *Tedet harum formarum*. These are vain and delusive shadows, give him body and substance—*corpus solidum et succi plenum*.<sup>3</sup> When the resources of France were thought to be exhausted; and every common channel was known to be dried up, down M. Neckar dug into the mine of national wealth—he went to the spring and fountain-head of revenue, and by demolishing the dams and dykes that stopped the current of wealth, he brought into the exchequer the value of six hundred useless places. But it may be said, France must have recourse to burthensome taxes at last—True, but has she not fought with Britain for three years without them? And an exertion of

<sup>1</sup> Jacques Necker (1732–1804) was Swiss, a commoner, and a Protestant.

<sup>2</sup> ‘Mr. Necker the great Financier of France is at length displaced’ (*London Courant*, 12 Feb. 1781). Neckar was forced to resign on 18 May 1781.

<sup>3</sup> ‘*Taedet cottidianarum harum formarum . . . corpus solidum et succi plenum*’; I cannot endure these fleeting every-day images. . . . Give me a solid body full of vitality; Terence, *Eunuch*, II, iii. 6, 26.

three years may give her a decisive superiority, thro' the extent of the war—it may put her system into such a train, as to give the tone, and determine the complexion of a whole century.<sup>1</sup> It will give more solid and permanent glory to the reign of Louis XVI, than all the illustrious deeds of Henry IV.<sup>2</sup>

He next supposed himself in a third situation, a creature of the minister, without any attachment to the people on the one hand, or the monarch on the other. If such was his political character, then, as a friend to the noble lord, he would advise and conjure him in sincerity to promote the bill now moved for with all his authority, to adopt it as his own measure, and thereby secure all the credit of it to himself. This the noble lord knew from experience, was easily done, for to the great advantage of his lordship's popularity, he had practised a similar manœuvre on two or three different occasions already. Most of the members of that House could recollect the noble lord's doctrine some years ago, respecting America. The right of taxing that country, he used to assert, was inseparably connected with the very existence of this. He would not hear a single proposition from that side of the House, for relinquishing the claim of taxation; and yet when he thought proper afterwards to do that which was, by his own previous language, a political death-stroke to the country, something like cutting between the right and left ventricles of the heart, when he offered conciliatory propositions to our colonies,<sup>3</sup> the whole credit redounded to his lordship; the moderate men of this country, as they were called, joined his lordship's party, and reprobated the opposition; nay, even in America the minister was said to eclipse his opponents in popularity. In the affair of Ireland, the event had been closely similar, for after his lordship had in fact

<sup>1</sup> Burke had made favourable references to the state of French finances under Necker in a speech of 15 December 1779 (vol. iii, pp. 468–9) and had praised him extravagantly when presenting his proposals for economical reform on 15 February 1780 (vol. iii, pp. 487–90). Praise of Necker and of the support given him by Louis XVI were circulating widely in the British press, but Burke drew on wider sources: he cited French official documents and he also had private sources of information about French finances. A translation of a letter from Paris of 31 January 1780 and a memorandum endorsed in Burke's hand 'Mr B with Mr Neckars Arret of Regulation of Jany 1780' survive in his papers (MSS. at Sheffield, Bk. 25. 50, 51, 52). Most later verdicts on Necker's administration of French finances during the American War conclude that contemporary admiration for him, such as Burke's, was misconceived: his reforms of the financial system have been held to be superficial, while his policy of financing the war by borrowing rather than by raising taxes saddled the monarchy with an unsustainable debt. Some recent assessments are, however, more sympathetic to him. Necker was to be recalled to Louis XVI's service in the early stages of the Revolution. Burke was to take a very jaundiced view of his role then, dismissing him as 'that Archquack' (*Corr.* viii, pp. 123).

<sup>2</sup> (1553–1610), King of France, 1589–1610. For Burke's view that his reputation was overrated, see vol. viii, pp. 84–5 and *Corr.* vi. 145–9.

<sup>3</sup> The appointment of the Carlisle peace commission in February 1778.

opposed every extension of the Irish commerce, as long as he could safely do so, he became at length a convert to that side of the House, and behold the minister becomes suddenly popular in Ireland; gold boxes croud to him in abundance from all parts of the country;<sup>1</sup> while he and others who laboured for the right of that kingdom at the expence of their popularity, in this became odious as the factious opponents of this patriotic minister, and were even, as he was told, burnt in effigy.<sup>2</sup>

He therefore recommended to the noble lord, to take his bill into his own hands. Though it would be considered by some as poison, as it came from its original author; yet, after it had been chewed and mumbled by the noble lord, it would be received as very salutary and palatable food. Such was the fascinating nature of power and pre-eminence, and such the ingratitude of man, that any little favour the powerful lord granted, though extorted by compulsion, was received with transport by the crouching slave, who was industrious to find out sinister motives to which to ascribe the actions of common<sup>3</sup> men, however friendly and generous.

He therefore advised him by all means, if he wished for honour and fame, to adopt the plan, and accomplish the reductions proposed. He would establish permanent popularity, and would annihilate the opposition. It had been formerly advanced in favour of the influence, which it was the object of his bill to diminish, "That such a principle was necessary for the support of government; that it was the aim of our constitution to give in influence what was lost in prerogative." He was very willing so far to admit this doctrine, as to allow that no minister would be uniformly supported without some kind of influence; for such was the diversity of human opinion, that no abilities could always convince and guide without some bias in favour of the speaker. But there were different kinds of influence; one kind of influence, for instance, was that derived from superior wisdom and virtue, which never failed to inspire reverence and respect, and by the exercise of which any minister might command support; another kind was derived from the power of distributing honours and emoluments, and this might be employed with equal success in any hands, good or bad. The former of these influences he readily admitted to

<sup>1</sup> Votes of thanks by corporations or awards of the freedom of boroughs were conventionally conveyed in gold boxes.

<sup>2</sup> For Burke's sense of his unpopularity in Ireland over his lack of support for North's commercial concessions in December 1779; see his *Letter to Thomas Burgh* (vol. ix, pp. 543–63). Reports of the burning in Dublin of effigies of Burke and Barré appeared in the London press, e.g. *Public Advertiser*, 10 Jan. 1780.

<sup>3</sup> 'commen' in original.

be necessary to the support of government, but the latter he must ever deny to be either necessary or justifiable; for the influence of wisdom and virtue would always lead to wise and virtuous measures, but that of corruption to corrupt ones. The last was the influence of bribery, and deserved to be called by no other name.

The power of distributing places, pensions, and honours, having been always in the hands of government, by many was confounded with the idea of government itself, and it was thought the one could not subsist without the other, consequently that the power of the state was weakened by a diminution of such instruments. They mistook the emoluments of government for government itself, and considered it as a mere cabinet, containing a chest of drawers filled with sweet things. To be influenced by an admiration of wisdom and virtue, was to possess these qualities; but the influence of bribery he considered as pernicious to freedom as open force. It was said, that all free countries were corrupted by bribery. When virtue, which was the spirit of commonwealths and of all free states, was gone, liberty could not long survive. A few were brought to impose slavery on their fellow-subjects, and the price paid for their services was the only difference between a state possessing the forms of freedom, and one openly despotic. An undue influence, he said, preyed on the very vitals of a constitution, and eat up the entrails, while the outward walls remained.<sup>1</sup>

It was as different from real government, as the most opposite extremes in nature. His ideas of government were most essentially different. He considered government as the exercise of all the great qualities of the human mind, with the mother virtues of prudence and providence at their head. To govern, was to be always prepared for peace or war. To govern, was to unite an empire in one bond of obligation and affection; to have but one direction and one purpose; to have but one interest and one desire; the

<sup>1</sup> 'It is said that this corruption is a mark of freedom and one of its happy consequences. It is certainly better for men to be bought than to be forced. I readily agree to it. It is certainly better for those that are bought, but when one man is *bought* in order that he should help to force others what consolation is it to those who feel the coercion and do not partake in the price? The bought are few the driven are many and that is the whole merit of the Sophistry which young men are taught with such diligence in some parts of this Kingdom as if it were a sound maxim of moral philosophy as a principle of Freedom' (MS. at Sheffield, Bk. 14. 12). This passage can perhaps be interpreted as the most explicit indication that, in the section of his speech that considers the role of 'influence', Burke was controverting the arguments of David Hume (1711–76), especially those in his essay 'Of the Independency of Parliament', where he had stated that a degree of what was commonly called '*corruption and dependence* . . . are inseparable from the very nature of the constitution and necessary to the preservation of our mixed government'. If this supposition is correct, 'the parts of this Kingdom' in which such doctrines were taught were presumably in Scotland.



direction and purpose, the interest and desire of common prosperity. To govern, was to possess the confidence of the governed, that when the envy or the ambition of an enemy aimed an attack, every heart might agree in delivering the sword into those hands that had held the olive to their advantage. To govern, was to act in a state of hostility, for the interest of the empire, and not of the rulers; it was to arouse the people, by sharing in their exertions—by proposing and beginning retrenchment, and shewing the use of œconomy, by the advantages and success of it. This was government in his definition of the thing, and it was the only idea of government that he could possibly entertain; and thus government was as different from places, as services were different from salaries. It was the nature of influence to produce a supine negligence in government. Influence threw government asleep, and it sometimes awoke by starts and fits, after it had relaxed the steady reins<sup>1</sup> of virtue, into acts of the greatest cruelty and ferocity. It led to anarchy and confusion. By influence and anarchy together, a mortification was always produced, which was at last cut away by the incisions of the sharp knife of despotic power.

It would be easy to shew, he said, by a detail of particulars, that the spirit of the British government was relaxed—that it was paralytic, undoing to-day what it did yesterday, and totally unable to support its own weight.<sup>2</sup>

The honourable gentleman now came to a conclusion; and said he would not trouble the House with any more reasons for bringing forward the same plan again, which had engaged so much of the time and attention of the last Parliament for so little purpose. He had made no alterations in it, and he begged leave to give it to the House in the humble hope and confidence, that if they meant to give it countenance and attention, they would do so with fairness and candour, and not with insidious respect in its outset, tempt it to a death of slow and lingering torture. He called upon the noble lord in the blue ribbon, who was to be the arbiter of its fate, and begged, that if he meant ultimately to give it a death stroke, that he would save himself and the House much fatigue, and the nation much anxiety and disappointment by strangling it in its birth. Let them try the matter on that

<sup>1</sup> 'reigns' in original.

<sup>2</sup> 'He must declare, and he would even declare it with the solemnity of an oath, that he thought our Government at present the weakest that could possibly be, and that this weakness arose from the dirty corrupt practices by which it was supported, and that from hence flowed all the calamities of the State' (*Aurora*, 17 Feb. 1781).

day, if it was to be tried. He called upon him to do this, and be at least for one day a decisive minister. He concluded with moving in the words of his motion on the former year, 'That leave be given to bring in a bill "for the better regulation of his Majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service."'

Lord North replied that 'his opinion on the subject was not at all altered from that he entertained the last year. Although he did not reject the plan "*in toto*", he approved of so small a part of what Burke proposed, that he should be obliged to oppose it.' Unsure of the extent of the support that ministers could expect in opposing the bill, he declared that he would not prevent its being introduced and printed, since he felt that new members should be given the chance of considering it.<sup>1</sup> Leave was given for the bill to be brought in on 19 February. The bill then received an unopposed first reading and Burke moved for a second reading on 22 February. Objections that this would be too soon provoked a spirited response from Burke that delay was being urged for frivolous reasons.<sup>2</sup> He lost the vote and the second reading was fixed for 26 February.

By then the administration was confident that the bill could be defeated. Many members took part in the debate on the second reading, including William Pitt, who spoke strongly in favour of Burke's bill in his maiden speech. Burke wound up the debate in a speech that the reporter who gave it the longest coverage found hard to follow. 'Through the whole of his reply, his partial answers were so short, and so abrupt were his transitions, that . . . it was next thing to impossibility to follow him through all his *ambages*.' Burke concluded that if 'the bill did not pass, that night, he feared, was the last night of English freedom'.<sup>3</sup> The bill was lost by 23 votes to 190.

## Speech on St Eustatius 14 May 1781

Sources: 1. *Parl. Reg.*, iii. 299–316, 339–42.

2. MS. at Sheffield, Bk. 7. 17.

Burke's speech was extensively reported in the *Morning Chronicle* and the *Morning Herald*, both of 15 May, but the report in *Parl. Reg.* is twice as long as the fullest newspaper ones. The version in *Parl. Hist.*, xxii. 218–37, 259–62, is only significantly different from that in *Parl. Reg.* in a single passage. It seems likely that Debrett, the printer of *Parl. Reg.*, had access to additional material provided by Burke. Surviving manuscript material relating to this and the later speech on St Eustatius (see below, pp. 103–16) is very extensive. Among the MSS. at Sheffield (Bk. 7. 17–24) and at Northampton (A. xxvii. 5 and 20) are very extensive drafts of sections of this speech together with notes and scraps in Burke's hand. MS. at Sheffield Bk. 7. 17 contains a draft of the section of Burke's speech which dealt

<sup>1</sup> *Parl. Reg.*, i. 502–4.

<sup>2</sup> *Parl. Reg.*, i. 507–9.

<sup>3</sup> *Aurora*, 1 Mar. 1781; brief account in *Parl. Reg.*, ii. 48.

with the law of nations. Extracts from this MS. were printed in *Corr.* iv. 402–3. It is reproduced here in full.

The immediate objective of the British government in launching a war against the Dutch was to seize the Dutch West Indian islands. It was assumed that this would not only force the Republic to come to terms but would also be a decisive blow against the French West Indies and the American rebellion, since the Dutch islands, especially St Eustatius, sometimes called St Eustatia by contemporaries, had as neutrals become the conduit for vital supplies to both the French and the Americans. On 20 December 1780 orders were issued that St Eustatius should be seized. These orders were to be carried out by Admiral Sir George Brydges Rodney, commander of the British squadron in the Leeward Islands, and by the commander of the land forces on the islands, General John Vaughan.<sup>1</sup> On 3 February 1781 their powerful forces overwhelmed the small Dutch garrison and captured a prodigious booty, consisting of goods being shipped to and from Europe and throughout the Caribbean and the American mainland, initially estimated by Rodney and others to be worth at least £3 million. A very cosmopolitan community of merchants, British, American, French and Jewish, as well as Dutch, also fell into their hands. With some exceptions, these people and their goods were treated very roughly indeed. They were declared to be prisoners of war whose property was to be forfeited to the British Crown. Rodney, who had a fanatical hatred of disloyalty and rebellion, indiscriminately treated those whom he found at St Eustatius as traitors and rebels. 'My Happiness', he wrote, 'is having been the Instrument of my Country in bringing this Nest of Villains to condign Punishment; They deserve scourging, and they shall be scourged.' Most of them were to be expelled from St Eustatius with no more than their household goods and in some cases with nothing at all. Everything else was to be confiscated.

Rodney immediately proclaimed that he did not look on himself as 'intitled to one Sixpence' of the confiscated riches; 'nor do I desire it'.<sup>2</sup> It soon became obvious, however, that he stood to become very rich indeed from the conquest. He and Vaughan were told that that to 'reward the Zeal and Bravery' of their forces, the Crown would waive its claims to most of what had been captured. Except for military stores and provisions, the booty was to be distributed between the fleet and the army.<sup>3</sup> A plan of distribution was drawn up allocating one-eighth each, as opposed to the usual one-sixteenth, to Rodney and Vaughan, since it was due to them 'that the Booty is so considerable'.<sup>4</sup> As Rodney's personal debts had notoriously reached such a scale that he had been forced to take refuge outside Britain for four years, it was widely assumed that the way in which he behaved after the conquest was dominated by his determination to secure the great wealth that had fallen to him.

Whatever the commanders' motives may have been, the manner in which the property and persons of the merchants taken at St Eustatius was being treated was contrary to all contemporary conventions about what was due to the inhabitants of conquered places, and in British courts their conduct later proved to be legally indefensible. Bristol and Liverpool merchants immediately petitioned for redress, as did the London committee of West Indian planters and merchants. For them access to St Eustatius was an essential part of the complex international arrangements that they had devised to limit the severe damage that the war was inflicting on their trade. Above all, they feared that British plundering of private property would inevitably provoke retaliations by the French who were already in

<sup>1</sup> (c.1748–95).

<sup>2</sup> *Letters from Sir George Brydges Rodney, now Lord Rodney, to His Majesty's Ministers Relative to the Capture of St Eustatius*. . . (London, n.d.), p. 10.

<sup>3</sup> Instructions, 30 March 1781, *ibid.*, p. 98.

<sup>4</sup> *Ibid.*, p. 101.

possession of British islands and likely to capture more.<sup>1</sup> The planter community on the neighbouring British island of St Kitts pointed out that trade through St Eustatius was their 'means of existence' during the war,<sup>2</sup> and sent delegates to remonstrate with Rodney and Vaughan at St Eustatius about the seizure of their property. Burke was always sensitive to West Indian concerns and was well briefed about them. He was in close contact with the chairman of the committee of Grenada proprietors,<sup>3</sup> who had much at stake if the French were to retaliate on their property, and with men who had returned from St Eustatius and St Kitts. News of what was happening on St Eustatius seemed to confirm Burke's forebodings that the Dutch war was a war of plunder.<sup>4</sup> On 22 March he expressed his dismay that: 'We at present seemed to exult in the seizure of the private property of the subjects of St. Eustatia', and stated the generally accepted view that those who surrendered to the King's forces became 'as much his subjects as were those of Great-Britain; and consequently, it must be robbery to seize their property'.<sup>5</sup> Shortly afterwards, news began to circulate of the very violent methods being used to extract wealth from the merchants of St Eustatius, particularly from the Jews. On 3 May Burke described these as 'truly shocking to humanity'. His 'duty to his country and to mankind in general' compelled him to bring the matter before the House.<sup>6</sup>

Although Burke was undoubtedly the mouthpiece for West Indian interests, the case of St Eustatius aroused a sense of outrage in him very similar to his sense of outrage at what he saw as the oppression in India under the East India Company. British power was being grossly misused to plunder defenceless peoples, especially the Jewish merchants. He was to deploy arguments that would become very familiar in his great Indian speeches: government anywhere was a trust, conquerors had binding obligations for the well-being of the conquered, and there was a universal law of nations by which actions in any part of the world and in any circumstances must be judged. This was a subject of great interest to him to which he was frequently to refer at other places in this volume in connection with relations between the European states and revolutionary France and in expounding the principles that should guide British rule in Canada<sup>7</sup> and in India.<sup>8</sup>

(1) *PARL. REG.*, iii. 299–316, 339–42

Mr. *Burke* rose at about half past four o'clock, and drew the attention of the House to the very important question of the seizure and confiscation of private property on the late capture of the island of St. Eustatius. The honourable gentleman began with stating the very great consequence of the question on which they were about to enter. The eyes of Europe would be on the conduct of the British legislature in the present instance, and it would be exceedingly necessary to be cautious and grave, to be cool and impartial in their deliberations; perhaps the fate of Britain would depend on the result and decision of that question; for, says he, it ought to be

<sup>1</sup> See their petition of 6 April 1781, *The Remembrancer; or, Impartial Repository of Public Events for the Year 1781*, pt. I, pp. 295–9.

<sup>2</sup> *A Speech which was Spoken in the House of Assembly of St Christopher . . . relative to the Proceedings of Admiral Rodney and General Vaughan at St Eustatius . . .*, London, 1782, p. 28.

<sup>3</sup> Note of William Crichton to Burke, 4 May 1781, MS. at Sheffield, Bk. 6. 30.

<sup>4</sup> See above, p. 42, n. 1.

<sup>5</sup> *Parl. Reg.*, ii. 313.

<sup>6</sup> *Morning Chronicle*, 4 May 1781.

<sup>7</sup> See below, p. 327.

<sup>8</sup> See vols. vi and vii.



remembered, that we stood in a new situation: we were engaged in a most calamitous war, in which we had many enemies and no friends. It was a situation unprecedented in the history of Britain, and called for all the wisdom and all the prudence of the government. We ought not, by instituting a scheme of inhuman plunder and unjust oppression, to make more enemies, or to incense and provoke those with whom we are already involved. We ought, instead of pushing war to its extremes, to endeavour, by every means in our power, to moderate its horrors, and to commit no other depredations than such as were necessary to public success, or as contributed to national glory. Private emolument ought not to be received as an excuse for rapacity. By such civil regards, the resentments of our enemies might be softened; their enmity might be subdued, and their minds be brought to a favourable inclination towards peace. Or neutral nations, perceiving that, even in a struggle for our existence, we did not deviate from honour, might be brought to applaud the dignity of our sentiments as a people, and assist us in the conflict. But a contrary behaviour on our part was likely to provoke them to unite against us, and make the protection of human nature from plunder and robbery a common cause. They would not stand unconcerned spectators of the renovation of that system of havock which it had been the pride of civilised Europe to execrate and explode.

The honourable gentleman called back to the recollection of the House the terms of the manifesto, published by Great Britain on the commencement of hostilities with the Dutch. That manifesto was published on the 20th of December; the terms and language of which threatened no inhuman cruelty, no uncommon severity; but, on the contrary, seemed rather to portend the short variance of old allies, in which all their old friendship and affection would operate rather as the softner than the inflamer of the common calamities of war. It breathed the expressions of kindness and long suffering, and the menaces which it held out seemed to be torn by constraint from a heart bleeding under the affliction of unwilling strife. The harbinger was so gentle, that it was not to be feared that the war would be shocking. It was expected by men of both countries as no more than a temporary rupture, flowing from the rash petulance of the parties, and which their mutual good sense would in the coolness of deliberation, suddenly heal.<sup>1</sup> The proclamations, with respect to letters of marque, etc.

<sup>1</sup> The Manifesto stated that Britain hoped for 'a return to our ancient unity' with the Dutch and would be 'ever disposed to friendship with the States General'.

which followed the manifesto, warranted the same expectations. There was no predatory system threatened, nor powers granted of an unusual *naturé*.<sup>1</sup> The honourable gentleman proved this by reading the various passages in the state papers, containing the language of the court, and the powers granted in the commencement of the war.

He now came to the transactions in the West Indies. The rapidity, of the expedition against the island of St. Eustatius was a matter which begot suspicions, that the orders of government to the commanders on that station had not waited for the event of the declaration of hostilities; or else the circumstances of the affair were proofs of the vigilance and wisdom of our government, and of the promptitude, alacrity, and conduct of our commanders.<sup>2</sup> But, in order to the due consideration of the business, and of this very important question, it was necessary that all the circumstances of the situation and the time of the prospect, and the event should be attended to. First then, it was on the close of a most melancholy and general disaster, which happened in that part of the world; a hurricane which had involved all the islands in common suffering and common distress. When all that extensive branch of islands and settlements had been visited by the scourge of Providence, as a correction of their vices, or an humbler of their pride.<sup>3</sup> At such a time it might have been expected that the deadly serpents of war would for a time have been hushed into a calm in that quarter of the world. Their stores of poison being exhausted, and wanting the recruit and fructification which the rich earth was accustomed to bestow, that they would have remained for a time mutual spectators as they were mutual sufferers, and would not have increased the stock of their distress, by adscititious<sup>4</sup> calamities. The hurricanes seemed the particular visitation of Heaven, as if the Deity had meant thereby to check the fury of mankind against each other, and reconcile them by the sense of their common necessities. Surely, when human pride was levelled in the dust, and we saw what worms we were beneath the hand of Omnipotence, it became us to crawl from our holes with a feeling of brotherly love to each other; to abate

<sup>1</sup> See the Proclamation of 'General Reprizal' against Dutch shipping of 22 December 1780 in the *London Gazette*, 19–23 Dec. 1780.

<sup>2</sup> Plans for attacking the Dutch West Indies had been drawn up before the formal declaration of hostilities on 20 December 1780. They were signed on the 25th and sent on a frigate to Rodney on the 29th. Rodney launched his attack on 3 February 1782.

<sup>3</sup> Many accounts of the catastrophic effects throughout the Caribbean of the hurricane of October 1780 had appeared in the British press. On 24 January 1781 Burke had enthusiastically supported the government's proposals for relief to be provided for the islands (*Parl. Reg.*, i. 260–1).

<sup>4</sup> Additional.

a little of our rancour; and not add the devastations of war to those of the hurricane. But it was not so with Britain; for even when the stern breast of rebellion melted with generous sympathy, and Dr. Franklyn issued express orders that provision-ships should pass to the British as well as to the other islands without impediment or injury;<sup>1</sup> even this was thought the fit and proper moment by our commanders for an expedition to St. Vincent's for the recovery of that island. An expedition undertaken with so little knowledge of the state of defence in which the island stood, that after the troops were debarked, and had reconnoitred the works and the garrison, they found it convenient to retreat without attempting the object of their expedition.<sup>2</sup>

At this time too it was, that, in obedience to the orders of ministers, the expedition was undertaken against St. Eustatius. This island was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren. It had no produce. Its extent was but thirty miles. It seemed to be but a late production of nature, a sort of *lusus naturae*,<sup>3</sup> hastily framed, neither shapen nor organised, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safe-guard. It had risen, like another Tyre,<sup>4</sup> upon the waves, to communicate to all countries and climates the conveniences and the necessities of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce. At the time of this expedition there were only fifty five soldiers in the garrison, if such a place deserves the name of a garrison. There was indeed a building which, by courtesy and in

<sup>1</sup> Sir Edward Newenham (1732–1814), an Irish patriot M.P., had relayed the prompting of Dublin merchants to Benjamin Franklin (1706–90) in Paris, where he was ambassador from Congress. Franklin duly issued such notices to American armed ships on 7 February 1781 (L. W. Labaree *et al.*, eds., *The Papers of Benjamin Franklin*, New Haven, 1959–, xxxiv. 334–5).

<sup>2</sup> Believing that St Vincent, taken by the French in 1779, would be an easy target after the hurricane and encouraged by misleading accounts of French weakness, Rodney had on his own initiative in December 1780 landed a small force on the island, which was forced to withdraw.

<sup>3</sup> A freak.

<sup>4</sup> The great port on the Mediterranean coast of ancient Syria.

compliment might be called a fort. These soldiers too were of the worst description, for out of these there were only twelve men of colour.<sup>1</sup> Against this island then, so circumstanced and so defended, the British commanders went with fourteen ships of the line, and several frigates, and a body of three thousand land forces on board. They had heard of no war being commenced. They had received no intimation of hostilities being begun or designed. But thus unprepared, naked and defenceless, they were summoned to surrender at discretion within an hour. That time, however short in point of precedent, was on this occasion not only sufficient, but ample. It was needless to hesitate where they could not resist. It required but little discussion or debate to resolve on what was to be done. The Dutch commander yielded up the dominion, the territory, the public property, and every thing that belonged to the united states,<sup>2</sup> to the British commanders without any stipulation, and relying totally on the discretion, the mercy, and the clemency of the conquerors.

What was the discretion and the mercy of the conquerors. A general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state: the wealth of the opulent; the goods of the merchant; the utensils of the artisan; the necessaries of the poor were seized on; and a sentence of general beggary pronounced in one moment upon a whole people.<sup>3</sup> A cruelty unheard of in Europe for many years, and such as he would venture to proclaim was a most unjustifiable, outrageous, and unprincipled violation of the laws of nations. It was accompanied too with cruelties, almost unheard of in the history of those barbarous times, when war was pushed to all its extremes of rigour, and when the sword and the firebrand were in concert. All the property had not only been condemned to one general indiscriminate confiscation, but the warehouses were locked up, and access was denied to the proprietors, by which they might have an opportunity of ascertaining the amount of their commodities, and securing their property by labels, or by inventories. Thus deprived of their merchandises, and all

<sup>1</sup> 'A paltry fort garrisoned by somewhat more than fifty soldiers of the worst kind belonging to the West India Company, some part mulattoes was its sole military strength' (MS. at Sheffield, Bk. 7. 17).

<sup>2</sup> i.e. to the Dutch Republic.

<sup>3</sup> In Rodney's view, 'This Nest of Smugglers, Adventurers, Betrayers of their Country and Rebels to their King, had no Right to expect a Capitulation, or to be treated as respectable People . . . No Terms whatever were allowed them; their Persons were Prisoners of War; all their Property was forfeited' (*Rodney Letters*, p. 29).



the honest profits of their labours, there remained, however, this ground of hope, that by explaining the nature of their misfortune to their correspondents in the neighbouring islands, or in Europe, they might procure a loan to form a new stock with, and by industry retrieve their misfortunes; but the next step was to seize on their books; by which they were divested of this last refuge of hope. All their circumstances were laid open; their weak sides exposed; and the places pointed out, by which malice or enmity might attack them with success. Was there known till that moment a more complete act of tyranny than this? It was unparalleled in the annals of conquest, but it was surpassed by what followed; for, the next act was to seize upon all their letters also, and their private papers. It was not enough that the secrets of their trade and their weaknesses should be laid open, but also that the secrets of their families should be discovered; the private calamities, to which all are more or less incident, and all anxious to conceal, and to suffer unknown, were exposed; and their miseries aggravated, by becoming a matter perhaps of derision and merriment to insulting plunderers.

It would have been conceived, that farther than this even inventive tyranny could not proceed; but it proceeded in this instance as much beyond the reach of common oppression as it did of common credulity. If the facts were not ascertained beyond a possibility of doubt,<sup>1</sup> he could not have believed that such acts were perpetrated at such a day by British soldiers. The merchants and inhabitants plundered and robbed of all that they possessed in the world, and of all the hopes that they had of having their property restored; involved in all the calamities of want and wretchedness, thought it at least reasonable to expect<sup>2</sup> that, destitute as they were of all the means of sustenance, and actually starving, upon application, a part at least of their own provisions might be remitted to them. They presented an application to the quarter-master general for this purpose;<sup>3</sup>

<sup>1</sup> Burke's essential source for his account of the severities practised on those seized at St Eustatius was a memorandum provided by Lambert Blair, a British merchant on the island (MS. at Sheffield, Bk. 7. 9a), and the personal evidence of Blair, from whom Burke took extensive notes (endorsed 'Evidence of Facts', MS. at Sheffield, Bk. 7. 25). Accounts by James Ramsay (1731–89), a naval chaplain who had briefly been on St Eustatius and wrote of 'scandalous . . . hardships imposed upon individuals', largely concur with what Burke had heard (A. J. O'Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean*, Philadelphia, 2000, p. 220; see also, Ramsay's *A Reply to the Personal Invectives and Objections, contained in two Answers, published by Certain Anonymous Persons*, London, 1785, pp. 37–8).

<sup>2</sup> 'exact' in original.

<sup>3</sup> Lieutenant Colonel James Cockburn (1723–1809), later (1800) 5th Baronet, was Quarter-Master General. Both Blair and Ramsay held him to be personally responsible for the plundering and ill-treatment meted out after the capture of St Eustatius.

and what was the sublime and the generous answer which the gentleman returned? "Not a mouthful," was exactly his expression.<sup>1</sup> Notwithstanding this answer, they made another application, in the confidence that so just a request would be ultimately complied with; still the answer was, "Not a mouthful." They presented a third representation, and they received still the same reply, "Not a mouthful, not a mouthful if you were starving." Nor was this the extent of the oppression on the one hand, or of the suffering on the other. Their cash was seized upon; and thus effectually deprived of every thing but the liberty of drawing out a miserable existence, they had recourse to an expedient suggested by necessity, of making use of their former credit with their correspondents in the neighbouring islands, by drawing upon them for a temporary supply. Of this resource they were also deprived; for a proclamation was issued preventing the issuing of such bills; nay, to such a length did the cruelty of this persecution go, that a bill which was found among the papers of a considerable trader in the island, drawn upon government, but not signed nor indorsed, was brought to the unhappy man, and he was forced, absolutely forced, to sign and indorse it, to his injury, if not to his ruin. After all these stages of unheard-of oppression had been successfully gone through, there wanted no more but an attack upon the persons of the unhappy people to finish the scene. He blushed, he said, to relate the sequel, for the honour of humanity, of this enlightened age, and still more of the Christian character. The persecution was begun with the people, whom of all others it ought to be the care and the wish of humane nations to protect, the Jews.<sup>2</sup> Having no fixed settlement in any part of the world, no kingdom nor country in which they have a government, a community, and a system of laws, they are thrown upon the benevolence of nations, and claim protection and civility from their weakness, as well as from their utility. They were a people, who, by shunning the profession of any, could give no well-founded jealousy to any state. If they have contracted some vices, they are such as naturally arise

<sup>1</sup> Blair told Burke that Cockburn had used these words when rejecting a request for bread and flour to feed 'starving Negroes' (MS. at Sheffield, Bk. 7. 25).

<sup>2</sup> A Jewish mercantile community, usually estimated to consist of about a hundred families, had long been settled on St Eustatius. Rodney, who seems to have had some animus against Jews, ordered that they be forcibly shipped away from the island (Order to the Board of Navy and Army Officers, February 1781, TNA, PRO, 30/20/22/9, pp. 18–19). Stories of the brutality with which they were plundered of their possessions were well authenticated. General Vaughan intervened to stop the deportation and to order 'their houses and property to be restored to them'. He was thanked for 'his clemency and his goodness' by the Warden and Elders of the Hebrew Congregation (see his speech on 4 December 1781, *Parl. Reg.*, v. 94 and their Address of 10 April 1781, TNA, CO 318/8, f. 146).

from their dispersed, wandering, and proscribed state. It was an observation as old as Homer,<sup>1</sup> and confirmed by the experience of all ages, that in a state of servitude the human mind loses half its value. From the east to the west, from one end of the world to the other, they are scattered and connected; the links of communication in the mercantile chain; or to borrow a phrase from electricity, the conductors by which credit was transmitted through the world. Their abandoned state, and their defenceless situation calls most forcibly for the protection of civilized nations. If Dutchmen are injured and attacked, the Dutch have a nation, a government, and armies to redress or revenge their cause. If Britons are injured, Britons have armies and laws, the laws of nations (or at least they once had the laws of nations,) to fly to for protection and justice. But the Jews have no such power, and no such friend to depend on. Humanity then must become their protector and ally. Did they find it in the British conquerors of St. Eustatius? No:—On the contrary, a resolution was taken to banish this unhappy people from the island. They suffered in common with the rest of the inhabitants, the loss of their merchandise, their bills, their houses, and their provisions; and after this they were ordered to quit the island; and only one day was given them for preparation, they petitioned, they remonstrated against so hard a sentence, but in vain; it was irrevocable. They asked to what part of the world they were to be transported? The answer was, that they should not be informed. Might<sup>2</sup> they take their property along with them? No. Might<sup>3</sup> they not then take with them their wives and children? No. The only information they could obtain was, that they must prepare to depart the island the next day; and without their families, the very last comfort of wretchedness; they must appear the next day at an appointed place to embark. The next day they did appear to the number of one hundred and one, the whole that were upon the island. They were confined in a weigh-house, a place (in some respects) similar to a turnpike-house, but strongly guarded; and orders were given that they should be stripped, and all the linings of their clothes ripped up, that every shilling of money which they might attempt to conceal and carry off should be discovered and taken from them. This order was carried into rigid execution, and money, to the amount of eight thousand pounds, was taken from these poor, miserable outcasts; and thus deprived of the fruits of their assiduity, and the comfort of their age, thirty of them were embarked on board the *Shrewsbury*, and

<sup>1</sup> 'Haner' in original.<sup>2</sup> 'Must' in original.<sup>3</sup> 'Must' in original.

carried to St. Kitt's.<sup>1</sup> The rest after being confined for three days unheard of, and unknown, were set at liberty to return to their families, that they might be melancholy spectators of the sale of their own property. He mentioned some particular instances of aggravated cruelty inflicted on the Jews while they remained in the weigh-house. One of these poor wretches had sewed up two hundred Johannes<sup>2</sup> in his coat, and the money was discovered; he was immediately turned from among the rest; and set apart for punishment, for having endeavoured to conceal some little remains of the wreck of his fortune.<sup>3</sup> Two more Jews had been detected also in a breach of the order for delivering up all their money. Upon one of them were found nine hundred Johannes. This poor man's case was peculiarly severe, his name was Pollock.<sup>4</sup> He had formerly lived on Rhode Island; and, because he had imported tea contrary to the command of the Americans, he was stripped of all he was worth; and driven out of the island; his brother shared in his misfortunes; but did not survive them; his death increased the cares of the survivor, as he got an additional family, in his brother's children to provide for. Another Jew married his sister; and both of them following the British army, had for their loyalty some lands given them, along with some other American refugees, on Long Island, by Sir William Howe:<sup>5</sup> they built a kind of fort there to defend themselves; but it was soon after attacked and carried by the Americans; and not a man who defended it escaped either death or captivity; the Jew's brother-in-law fell during the attack; he survived; and had then the family of his deceased brother and brother-in-law, his mother, and sister to support; he settled at St. Eustatius, where he maintained his numerous family, and had made some money, when he and his family were once more ruined, by the commanders of a British force, to whose cause he was so much attached; and in whose cause he had lost two brothers, and his property twice. Another Jew, named Vertram,<sup>6</sup> was treated with as much severity, nor had the commanders

<sup>1</sup> As seems to have been customary, Burke used the names 'St Kitt's' or 'St Christopher's' interchangeably to signify the British island in close proximity to St Eustatius.

<sup>2</sup> A Portuguese coin. Burke estimated the sterling equivalent of 200 Johannes to be 36 shillings.

<sup>3</sup> This was Samuel Hoheb. Burke was to display his coat in the House of Commons on 4 December 1781.

<sup>4</sup> Myer Pollock, a Jewish merchant loyal to the British, fled from Rhode Island and settled with his family at Smith's Point, St George's Manor, on Long Island. After the settlement had been destroyed and his brother-in-law, Isaac Hart, had been killed by American raiders from Connecticut in November 1780, Pollock moved to St Eustatius (S. Rezneck, *Unrecognized Patriots: The Jews in the American Revolution*, Westport, Conn., 1975, pp. 137-9; C. S. Crary, *The Price of Loyalty: Tory Writings from the Revolutionary Era*, New York, 1973, pp. 196-7).

<sup>5</sup> (1729-1814), Commander-in-chief in North America, 1774-6.

<sup>6</sup> Not identified.



any pretext from his profession, for confiscating his property; he sold no warlike or naval stores to the enemy; he dealt simply in China wares; brittle emblems of the tenure he was to have in them: an order was given, and he was left a beggar.

These cruelties were soon followed by others as dreadful. The persecution was not confined to the Hebrew nation. Another proclamation was issued, ordering all the Americans, without distinction, to depart the island. Those who had retired from their native country, that they might avoid taking a share in the dispute with Britain, as well as those who might have come there for the purpose of assisting America, were doomed to instantaneous banishment. The next was a proclamation, ordering all the French inhabitants to depart. The next was a proclamation ordering all the inhabitants, late citizens of Amsterdam, to depart; and, last of all, a proclamation, ordering all foreigners of every kind, and all but the settled inhabitants of the island, to depart. The honourable gentleman animadverted, with becoming indignation on all those shameful proceedings, and said they were not suggestions of imagination, they were not exaggerated by any factious spirit; they were proved by the authority of the St. Christopher's Gazette, immediately on the issue of the transactions, with the authentication of the government there.<sup>1</sup> The facts would also be proved by affidavits, if required.

He now gave a particular relation of the conduct of the assembly and inhabitants of St. Kitt's on these melancholy oppressions. The transported beggars of St. Eustatius came there, presenting before them miserable objects of distress and pity. The calamities were beyond the relief of private donation. Visited as they had been by the hand of Providence,<sup>2</sup> they had hardly wherewithal to supply their own necessities; but out of the little that was left, they generously condescended, out of the common stock to bestow a something.<sup>3</sup> The honourable gentleman gave an account of the several steps which they had taken for the recovery of their own property and that of the other sufferers. The British subjects in St. Eustatius might well claim respect and protection from British commanders, but they met only with insult and rapacity. The legislature of St. Christopher's took the matter up, being astonished at the unprecedented length to which

<sup>1</sup> Copies of the Proclamations, reprinted from the *Royal Charibbean Gazette* in the *Remembrancer* . . . for the Year 1781, are in MS. at Sheffield, Bk. 7. 1k.

<sup>2</sup> St Kitts had been severely damaged by the hurricane.

<sup>3</sup> See Assembly minutes, 3 March 1781, TNA, CO 241/18.

the British commanders had proceeded; and after drawing up a strong remonstrance on the subject, sent to it by Mr. Moore,<sup>1</sup> and other gentlemen of the 'committee of the island of St. Christopher's, to the island of St. Eustatius. On their arrival, they were admitted to an interview with the Admiral and General, in the great cabin of the Sandwich, where Sir George asked Mr. Moore if he did not bring a remonstrance. On which he produced it, and after Sir George had read a small part of it, he said, he could not possibly give any answer to it then; but, after he had considered it, that he should have an answer. Mr. Burke said, that the next day Mr. Moore and the other gentlemen were admitted on shore to an interview with Sir George and the general: where a conversation passed, of which Mr. Burke read an attested copy,<sup>2</sup> having been committed to paper immediately after the interview, and sworn to by the gentlemen of the St. Christopher Committee; the conversation was various. The Admiral gave as a reason for the confiscation of the property, that they used St. Eustatius only as a deposite for their goods, and that they meant to supply the enemies of their country. And when it was answered to this, that they conceived that, by the Grenada act, the tobacco act, and the cotton act, they were justified in the commerce which they legally carried on at this place;<sup>3</sup> that it was a commerce not only justified by British acts, but encouraged by the British government: they were told in reply, "that those acts were foolish and idle; that they had been procured by factious men, for partial and pernicious ends." He could not but observe, that it was a very contemptuous treatment of the legislature of this kingdom, for any officer whatsoever, to pronounce acts, which it was his duty to see enforced, impolitic; and to say that they had been obtained by factious persons, and for partial views. The persons who had brought in the Grenada, tobacco, and cotton acts, were Lord Beauchamp and Sir Grey Cooper;<sup>4</sup> the

<sup>1</sup> Not identified.

<sup>2</sup> No copy of this document has been found. If the legislature of St Kitts did sponsor this deputation to Rodney and Vaughan, as Burke stated, pains seem to have been taken to keep any account of it from appearing on the island's records.

<sup>3</sup> The Grenada Act of 1780 (20 Geo. III, c. 29) was intended to make it possible for the Grenada planters to continue to trade with Britain while the island was occupied by the French. Their produce, if carried on neutral ships and going via neutral ports, could legally be imported into Britain. The Tobacco Act of the same year (20 Geo. III, c. 39) permitted American tobacco to be brought to Britain via neutral ports. By the Cotton Act Burke probably meant 19 Geo. III, c. 53, an act to increase the importation of North American cotton by discontinuing duties on its re-export.

<sup>4</sup> Grey Cooper (c.1726–1801), 3rd Baronet, was Secretary to the Treasury, so a bill introduced by him would be a government measure. Francis Seymour Conway (1743–1822), styled Viscount Beauchamp, later (1793) 1st Marquess of Hertford, was also a government supporter and held a court office.

gentlemen on the other side of the House, would not surely call those two members factious persons, and as the objects they had in view, was the augmentation of the revenue, it could not be said that they had acted for partial ends. The committee agreed upon the security which these acts held out to the merchants, whose stores the commanders had seized on, and said, that as the goods were legally stored under the sanction of the British legislature, they ought to be delivered up to the owners. Sir George replied, that he and the General did not come there to hear acts of Parliament explained, but to obey his Majesty's orders. On Mr. Moore's mentioning the possibility of retaliation from the French, Sir George said, "they dared not retaliate;" and after other conversation told them, that if they or any other persons thought themselves aggrieved, they might go to law for redress. No other interview took place, though a second remonstrance and petition was drawn up in St. Christopher's, and sent to St. Eustatius; but Mr. Grenville,<sup>1</sup> the Solicitor General, by whom it was written and carried, could not procure an interview; but to the excellent remonstrance which he presented, received only an answer, that they had no time to attend to the memorial. Mr. Grenville's<sup>2</sup> reply to some of those arguments was extremely ingenious and strong: Mr. Burke thought it a production worthy of any Solicitor General in the world. He particularly retorted upon the Admiral, by saying, that if it was illegal in the merchants to send their property for sale to St. Eustatius, the naval officers had equally transgressed the law by selling their prizes there.<sup>3</sup>

Having done this, the honourable gentleman came to examine the proceedings, and entered largely into the investigation of that right which a conqueror attains to the property of the vanquished by the laws of nations. These were the two questions to which he wished to draw the attention of the House. That under these circumstances, or even without all the aggravations of cruelty that had taken place, he declared, that the general confiscation of the private property found upon the island was contrary to the law of nations, and to that system of war which civilised states had of late, by their consent and practice, thought proper to introduce. Perhaps it might be said, there was no positive law of nations; no general established laws framed, and settled by acts in which every nation had a voice. There was not indeed any law of nations, established like the laws of Britain in black letter, by statute and record; but there was a law of nations as firm, as

<sup>1</sup> J. W. Glanville.

<sup>2</sup> Glanville's.

<sup>3</sup> There is a copy of Glanville's letter of 13 March 1781 in Burke's papers, MS. at Sheffield, Bk. 7. 1j.

clear, as manifest, as obligatory, as indispensable.<sup>1</sup> First, it was a maxim generally established and agreed to, "that the rights of war were not unlimited." If they were unlimited, it would be ridiculous to say that there were laws of war; for as confessedly a law existed to regulate the practice of states in hostility with each other, if the rights of war were unbounded, it would follow, that the law placed limits to infinity. But this being the established maxim, he had it in his power to prove that there were certain limited and defined rights of war recognised by civilised states, and practised in enlightened Europe. First, he could prove that they were established by reason, in which they had their origin and rise; next, by the convention of parties; thirdly, by the authorities of writers, who took the laws and maxims not from their own invention and ideas, but from the consent and sense of ages; and lastly, from the evidence of precedent. The honourable gentleman went largely into this description and proof of the rights of civilized war. From the authority of reason he formed general opinions and sentiments, entertained and rendered maxims by consent and use; "that a king conquered, to acquire dominion, not plunder;" "that a state does not go to war with individuals, but with a state; and in the case of conquest, does not take possession of the private property, but of the public property of the state conquered." By this maxim the calamities of war are mitigated. They are not felt so severely by the private individual, by the citizen, and the husbandman, the manufacturer, and the merchant. This law, therefore, directs that the private property of individuals, in a territory surrendering at discretion, is not only to be spared, but to be secured. The very essence of war presumes offence, and offence reciprocity. But when surrendered upon summons at discretion, and without resistance, there is no reciprocity; and consequently there is not the essence of war. When men surrender, they are entitled to protection. There is a virtual compact in

<sup>1</sup> The *Morning Herald*, 15 May 1781, reported him as saying: 'With respect to St. Eustatius, our conduct amounted to a complete violation of the laws of nations: these laws indeed were not in black and white like our statutes; but still, that was not an argument against their existence; that existence might be authenticated, in four different ways,—upon principle; upon consent of nations; upon precedent; and the opinion of learned men . . . The principle of the law of nations was the preservation of the human species; the disarming war of all unnecessary rigour; and the maintaining those rights which the conquered may claim of the conqueror.' In a MS. draft Burke made a distinction between 'the civil municipal law' and the 'law of nations'. The municipal law was 'positive and exact in its descriptions'. Under it there could be abuses of 'the Rights of individuals which were an 'offence not against Laws but against morals' and could not be 'legally punished', even if those who committed them were 'detestable in the Eyes of good men. . . . But in the Law of nations there is no such distinction. The Law of nations [is] not positive or written. The standard is publick opinion. That publick Law and < . . . > publick morality are the same thing; and to have no right and grossly to abuse a right is thus of equal criminality' (MS. at Sheffield, Bk. 7. 18).



conquest, by which protection arises out of, and accompanies, allegiance. Can the King of Great Britain seize upon the property of his subjects at his will and pleasure? No, nor can he in the instant of conquest seize on the goods and effects of the conquered. Not only the King of Great Britain, but every monarch, however despotic, is bound down by the very essence of his tenure to observe this obligation. For in all government there is a trust reposed. "Shew me a government," says the honourable gentleman, "and I will shew you a trust;"<sup>1</sup> there must be a care where there is a dominion; and a king must abandon that trust, he must give up his royalty and his government, when he seizes upon the property of the subject; he must dethrone himself from the just dominion, when he becomes the unjust plunderer of his people; and when he thus departs from the character, and the dignity, and the office of a king, to take up that of a robber and a spoiler, there is a sword in every hand to execute upon him the vengeance of human nature. The King, who should receive the surrender of a people, thereby admitting them within the pale of his government, and afterwards strip them of their property, must, in so doing, forfeit his royal authority, and be considered only as a robber. It was ridiculous to suppose for a moment, that the subject could lose his effects, and all the benefit of regal protection, and yet be bound by the duty of allegiance; or that a monarch could retain that character when the whole property of the state was vested in himself; he might then be called Lord of the Soil, or sole possessor of it; but he could not arrogate the title of King. This is a principle inspired by the divine Author of all good; it is felt in the heart; it is recognized by reason; it is established by consent. The rights of war were not thus limited by the learning of the schools, by the light of philosophy, by the disquisitions of councils, by debates of legislatures, or by the sense of delegated assemblies. It originated in necessity, in reason, and in the field. The soldiers themselves introduced it; and being taught by necessity, which in all cases is the best tutor, they adopted, and they exercised it without having the assistance of lucubration. He now stated, that by the convention of parties, this law of nations was established and confirmed. Private property was exempted from the confiscation which followed public property on the issue of a conquest. A distinction was made in this virtual convention between property found afloat, and found ashore. For what reason that seized on

<sup>1</sup> "... every species of political dominion, and every description of commercial privilege, none of which can be original self-derived rights, or grants for the mere private benefit to the holders, ... are all in the strictest sense a *trust*" (*Speech on Fox's India Bill*; vol. v, p. 385).

shipboard was mutually agreed to be confiscated, he could not tell. The time was not far distant when even that inhuman species of war would be abolished;<sup>1</sup> but certainly the convention made a difference between the goods found ashore and those found afloat. He called upon the House, and defied them even to mention one instance, beside the present, of a general and indiscriminate confiscation that had occurred within the last fifty years on any conquest or surrender by discretion. There was no such thing. This was the instance that had occurred to stain and disgrace the age, and the country, and the cause. As to the authority of books, he thought them the weakest part of the argument, although they had collected the wisdom of ages, and had connected [it] with that of their authors['] sagacity, judgement, and sense. He quoted Vattel<sup>2</sup> as being the latest and best, and whose testimony he preferred; because, being a modern writer, he expressed the sense of the day in which we live. As to the testimony of precedent, as he had mentioned before, not one instance had occurred for the last fifty years. The last precedent of a surrender at discretion he considered as the best to be adduced. The case of Grenada was the latest. There the island surrendered at discretion, but not without resistance, like St. Eustatia.<sup>3</sup> The conquest was contested, and was won with a profusion of blood. What was the consequence there? The Count D'Estaing,<sup>4</sup> though a man by no means remarkable for the weakness of his nature, did not venture to make a general confiscation of the private property of the inhabitants, or to go to the lengths of cruelty and oppression lately practised at St. Eustatius. He indeed went farther than he ought, in framing certain regulations of a severe nature against the estates of absentees, and to other objects: but on an application to the French King, he gave full and ample redress; he countermanded the orders of D'Estaing, and secured to every merchant, planter, and inhabitant, the full and

<sup>1</sup> Burke's hopes that the established right of plundering merchant shipping during wars might be reformed were widely shared, notably by Benjamin Franklin.

<sup>2</sup> Emmerich von Vattel (1714–67), Swiss jurist, whose *Le Droit des Gens, ou Principes de la Loi Naturelle appliqué à la Conduite et aux Affaires des Nations et des Souverains*, Leiden, 1758, was translated into English the following year. Burke later called him 'a very republican Writer' (*Corr.* vi. 317), but he still quoted him extensively in his *Remarks on the Policy of the Allies* (vol. viii, p. 474), in his closing speech on the Hastings trial (vol. vii, p. 291), and also in his speech on 17 June 1793, see below, p. 592.

<sup>3</sup> Grenada was captured by the French in July 1779. Burke has already made the point that St Eustatius did not resist, so he presumably intended 'unlike'.

<sup>4</sup> Jean-Baptiste-Charles-Henri, Comte d'Estaing (1729–94), the admiral commanding French forces in America.

quiet possession of their property.<sup>1</sup> The honourable gentleman having, in a variety of most beautiful and forcible arguments, enforced the doctrine of the law of nations, with respect to the security which ought to have been given to the private property of the Dutch, in that island, came to speak to the question of the confiscation of British property in that island. In this he answered very fully all that had been suggested by the commanders upon that station in justification of their conduct, that they made St. Eustatius a deposite, for the supply of the enemy. If this was true with respect to the inhabitants in general, it was a good cause for going to war; but it was a doctrine universally established, that when war is once declared and instituted, the belligerent powers are to treat one another, as having mutually justice on their side, until the final issue is known. So that though the perfidiousness of the Dutch might be a just cause for going to war, it was no excuse for aggravating the horrors of it. Every war presumed an offence on the one part, and when the cause was referred to this mode of decision it was to be considered as *sub judice*, during which time both parties were entitled to the same treatment; for it was a first principle in the law of nations, as laid down by every writer, that to expound the rights of war, we must conceive each party to have justice on its side, and every thing preceding the commencement of hostilities must be forgotten in that exposition. To make the island of St. Eustatius a deposit was no crime. In the spirit of merchandize, it could not be a deposit, without also being a market. The merchant does not carry his goods to a place to lay them up, but to sell them; and it was the known, established, and admired principle of St. Eustatius to be a mart for all the world, and consequently equally advantageous to us as to the enemy. We had thrown open Dominica upon the same principle. That had been taken from us, and the moment that we procured a new Dominica,<sup>2</sup> we threw away its advantages. But if it was a fault to send goods to St. Eustatius, and there to sell them, it was a fault for

<sup>1</sup> The commanders of the French attack on Grenada refused British terms for a capitulation and forced an unconditional surrender. After a considerable amount of plundering, property was guaranteed, but by a proclamation of 7 July 1779 no payments were permitted to be made to British subjects outside Grenada. Outraged planters and merchants in Britain with interests in the island protested to the French court and the July proclamation was modified by royal orders in December 1779. British planters were now permitted to export their produce where they wished, provided it went in French ships, and assurances were given that British property taken by force would be restored (Documents published by the Committee of Grenada Proprietors, *Morning Chronicle*, 29 an. 1780). The British commanders at St Eustatius were told in their instructions that what the French had done in Grenada 'was a good rule for our conduct' (TNA, CO 318/8, f. 47).

<sup>2</sup> The Dutch treated St Eustatius as a free port. Dominica, acquired by Britain in 1763, had been opened as a free port in 1766. It had been captured by the French in 1778.

which the legislature of this country were answerable,<sup>1</sup> and not the merchants; for they had encouraged them to the trade. They had passed positive acts, inculcating in the most express terms this traffic, in which acts, the Grenada act, the tobacco act, the cotton act, the general good of this country was consulted; the revenues were enlarged, the manufacturers promoted, and the merchants enriched.<sup>2</sup> These were the acts declared by our commanders to have originated in faction, for bad ends. It was by them, however, that ministers had been enabled to say that the commerce of this country, and the manufactures of this country, had not suffered by the war. But this species of traffic had been recognised by his Majesty's ministers in every possible manner. Nay, on this very principle of sharing the advantages in common with the enemy, to be reaped by the establishment of a neutral mart, the minister had but the very last week defended the proclamation for giving up the right of Britain to chastise her enemies, or fight her cause in the Baltic.<sup>3</sup> The merchants of Britain traded to St. Eustatius under positive acts of Parliament; and if the traffic was improper or pernicious, only Parliament should be blamed. But they supplied the enemies of their country. So did the very men who confiscated their property and deprived them of their rights. They advertised their merchandize at a public auction, and invited all the neutral islands to come and purchase; nay, for the inconvenience of these neutral powers, advertised that small vessels would be sold also to carry it off the island.<sup>4</sup> It was accordingly transported to French and American settlements, and also to the Danish islands of St. Croix and St. Thomas; from which the Americans, French, and Spaniards, might be supplied. It was treachery in the merchants to sell their property to the enemy; it was right in the commanders in chief to do so. The act of confiscation changed the nature of the market. The honourable gentleman dwelt with great energy on this part of the conduct of the commanders in chief. He said, the whole property had been sold for one fourth part of its value, by which means the enemy had been supplied by government at a

<sup>1</sup> 'unanswerable' in original.

<sup>2</sup> The government was undoubtedly concerned to limit the damage that the war was inflicting on the British economy. The Tobacco Act was, for instance, intended to maintain American tobacco imports which were of the utmost importance for the contribution they made to the Crown revenue from the duties collected on them.

<sup>3</sup> A proclamation had been issued forbidding hostile acts by British ships, so that 'the trade of the Baltic should go unmolested' (*London Gazette*, 24–8 Apr. 1781). North explained that this was a response to the desire of the powers of the Armed Neutrality—Russia and its allies—to preserve the neutrality of the Baltic (*Parl. Hist.*, xxii. 136).

<sup>4</sup> There is a copy of the advertisement for the sale, dated 12 March 1781 in MS. at Sheffield, Bk. 7. 1b.



much cheaper rate than they otherwise could have been, and a whole people ruined besides.<sup>1</sup>

But if the enemies of Great Britain were supplied from St. Eustatius with stores, it was an advantage that was not exclusively theirs; they enjoyed it in common with the English and the rest of the world; we likewise got supplies from it; and in 1778 our windward islands would have been starved if they had not been relieved from St. Eustatius. If the Dutch had supplied the enemy with stores, and had refused<sup>2</sup> to sell them to us, then perhaps we might have had cause to complain: but they had formed an alliance with ready money, let it come from whom it might; and nothing was ever withheld from any one who called for supplies with ready money in their hands.<sup>3</sup> It was known that the Dutch at St. Eustatius had, for money, furnished us with cordage, provisions, ammunition, and even men, for an expedition against the Spaniards;<sup>4</sup> and they also defeated that expedition, by selling for ready money also to the Spaniards, the very same, kind of commodities, men only excepted. The island therefore was a common blessing; and as it was opened to us by acts of Parliament, our commanders in chief ought to have felt themselves bound by a double tie not to confiscate the private property; and it was reasonable to presume that they would not have done it, if they had not positive orders from ministers at home for all that they had done:<sup>5</sup> he also was exceedingly severe on the observation of the commanders, "that the British subjects might have redress in our courts of law." What! when they had no marks to distinguish their property, no possibility of ascertaining its value, or of

<sup>1</sup> Burke had been told that confiscated goods, including military stores, sold on behalf of the British commanders at St Eustatius had reached Britain's enemies through neutral ports and even by direct shipment to the French islands (Blair's evidence, MS. at Sheffield, Bk. 7. 25). He was to elaborate these accusations in his speech of 4 December 1781, when Rodney was to contradict them (see below, pp. 110–11).

<sup>2</sup> 'not refused' in original.

<sup>3</sup> Rodney had alleged that the merchants at St Eustatius had denied that they had the cordage which he urgently needed for his fleet. He had, however, later captured great stocks of it which he assumed that they intended to sell to Britain's enemies. Rodney was to repeat the charge in the debate on 4 December 1781, when Burke tried again to refute it (see below, p. 111).

<sup>4</sup> Presumably the expedition from Jamaica to attack the Spanish in Nicaragua in 1780.

<sup>5</sup> Burke, and especially Fox, who spoke later in the debate, hoped to pin the blame for the plundering of St Eustatius on ministers rather than on serving officers, for whom many M.P.s were likely to feel sympathy. Ministers had indeed allocated the largest part of the booty to the conquerors, but the size of the loot, the violence with which it was expropriated and the outraged protests that this aroused seem to have taken them by surprise and forced them to take steps to limit the damage. After a Cabinet meeting fresh instructions were issued to the commanders telling them to protect the property of Dutch 'settled inhabitants' and British goods 'lawfully' traded through St Eustatius (Cabinet Minute, 24 March 1781, J. Fortescue, ed., *The Correspondence of King George III, 1760–83*, 6 vols., London, 1927–8, v. 206; Instructions, 30 March 1781, *Rodney Letters*, p. 98).

watching its Sale! What! when they were robbed of their last Shilling, and deprived of all the means by which the prosecutions could be carried on! By the exultations from the Treasury bench, when that passage of his letter was read, it was to be concluded that ministers applauded such an answer to their complaints.<sup>1</sup> True it was, they might recover their property by law, but at the same time those men should be punished who drove them to the necessity of doing so. It would be a strange justification, should the Crown lay hands on all the property in this country, to tell the parties injured, the Courts are open to you. But how were many of the sufferers to prosecute the offenders? stripped as they were of their possessions, how were they to pay the expences of a lawsuit, while their antagonists might combat with their own money; he mentioned the case of a gentlewoman, who at the recommendation of a lady, not more distinguished for her rank than for her benevolence, he had endeavoured to serve in the city. This lady had many children, and had been married to an Englishman, who had acted as a captain to a Dutch trader, and had been absent sixteen years; during all which time he had made his family frequent remittances, and about two years ago had sent his wife word that after three more trips, he intended to make up his savings, and come and end his days with her and his children in peace and comfort. It happened that for sixteen months she got no tidings of him; and lately, to her astonishment and despair, not only discovered that he was dead, but that his property amounted to something more than 8000*l.* which was in the island of St. Eustatius, when that island was captured, and the whole of it was seized and confiscated; so that she and her children were reduced to a state of absolute beggery, without in any wise meriting so severe a misfortune. Mr. Burke heightened the pathos of this affecting case, and put it home to the bosoms of the House, in a manner that could not but rouse and excite the pity and compassion of every gentleman present; but she must go to law, destitute perhaps of the common necessities of life; she must go to law with the rich conquerors of St. Eustatius, armed with all the plunder which they had seized, and backed by the powers and interest of government. The poor unhappy lady, also deprived of the certificates of her fortune, prevented from proving her property; for these conquerors wisely took care that the books, inventories,

<sup>1</sup> Burke is alluding to the report that Rodney had told the delegation that came to him from St Kitts that 'if they or any other person felt themselves aggrieved, they might go to law for redress' (see above, p. 78). It was ministers' policy that the government would not interfere in matters that could be settled by the courts. This view seems to have been widely shared by M.P.s.

and vouchers, should go along with the property, and not remain to be brought up against them in the day of restitution.<sup>1</sup>

The Admiral's ideas concerning the retaliation of France, he reprehended severely: "She would not dare to do it." What was this but provoking the enemy to exercise that power already in their hands, by revoking the immunity granted to our fellow subjects in Grenada; the inhabitants of that island would then have to curse the injustice of our government, but could not reasonably complain of their conquerors; and an old respectable merchant, who, ninety-nine years ago, fled from the tyranny of the French monarchy, to the protection of this government, might look back with astonishment, on the vicissitude of human affairs, when he found himself saved by the generosity of a French King, from the rapacity of Great Britain.<sup>2</sup>

It was not extraordinary that a man sitting on a great gun in a ship's cabin, should hold language like that of Admiral Rodney; for however much he respected his naval character, his judgement as a lawyer could not be expected to have any consequence; but to see ministers of this country echoing and applauding such maxims was strange indeed. But indeed, he did not want the testimony of Sir Samuel Hood to convince him that it was not Sir George Rodney that had been the author of these shameful proceedings, but his Majesty's ministers.<sup>3</sup> The honourable gentleman spoke of the whole plan, which they had adopted and pursued, as infamous and unbecoming to the last degree: from the unsuccessful attempt on St. Vincent's to the destructive overthrow of St. Eustatius. An order from a noble Lord, formerly Secretary of State for the American department, and now again employed in another department by his Majesty, had driven the Caribbees to desperation; and this attempt upon the island, at such a time, had renewed all their antipathy to the English; the retreat of our commanders having deprived them of an opportunity to be revenged upon our soldiers, they turned their rage against the British inhabitants, who then resided there, under the protection of the French; and such was the sense

<sup>1</sup> Neither the lady distinguished for her rank and her benevolence, nor the unfortunate lady have been identified.

<sup>2</sup> Identified as 'Mr. Simon, an old gentleman of 90' in *Parl. Hist.*, xxii. 235. It seems likely that this was the 'very considerable' Huguenot merchant Peter Simond, who was said to be 93 or 94 when he died in December 1785 (*Gentleman's Magazine*, iv, 1785, 1008).

<sup>3</sup> What Burke is specifically alluding to is obscure. In private correspondence Rear Admiral Sir Samuel Hood (1724–1816), 1st Baronet, later (1782) 1st Baron Hood, (1796) 1st Viscount Hood, who was serving in the West Indies, was critical of Rodney's conduct at St Eustatius. If Burke had access to Hood's correspondence, how he obtained it is unclear.

the Caribbees entertained of the infamy of an attack upon the island, immediately after the visitation of heaven, that they would have sacrificed to their resentment all the British on the island, if the French commander had not, by the most strenuous and ingenious exertions, screened them from the fury of the savages.<sup>1</sup> Defeated in their<sup>2</sup> hopes against St. Vincent's, our commanders expected, that they might have been able to reduce Martinique and Guadaloupe by famine, in consequence of the destruction of provisions by the late hurricanes; but we lost the opportunity of shewing that we were inhuman, and had not the satisfaction of starving either of these islands into a surrender.

Their attempts on St. Eustatius had been more successful, and it seemed to [fill] ministers, as well as officers, with transport, that they had been able to conquer a people that did not resist, and plunder them when they surrendered to their mercy. The honourable gentleman, concluded with a solemn appeal to the House, whether it was fit that the legislature of Great Britain should be the first to plunge Europe into all the horrors of barbarity, and institute a system of devastation, which would not only bring disgrace, but in all probability ruin upon ourselves. He wished to bring the matter properly before the House, that they might be fully possessed of the facts before they proceeded to a decision; for he sincerely wished them to be deliberate, to be impartial, to be disinterested. It was a question as important as any one that had ever come before them, for it was from their conduct that Europe was to learn the system of Britain, and by which they were to be forced to regulate their own: he therefore moved,

“That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all proclamations, memorials, orders, and instructions, and of all official correspondence from and to any of his Majesty's ministers, relative to the disposition of the property belonging to the States General and to individuals, inhabiting or interested in the places or territories taken from the said States General in the West Indies.”

<sup>1</sup> The British presence in St Vincent had long been resented by the ‘Black Carib’ community of the island. Their resistance to British planters’ pressure on their land had provoked Wills Hill (1718–93), 1st Earl of Hillsborough, later (1789) 1st Marquess of Downshire, then Secretary for the Colonies, but now Secretary of State for the Southern Department, to deploy British troops against them in 1772. The Caribs seem to have welcomed the return of the French in 1779. After the failed British attempt to recover the island, they were reported to have attacked British planters and to have ‘destroyed about ten of the most respectable families’ (*Morning Herald*, 15 Feb. 1781).

<sup>2</sup> ‘our’ in original.



In the debate that followed Lord George Germain and Henry Dundas,<sup>1</sup> the Lord Advocate, were the principal speakers for the ministry. Fox spoke strongly for Burke's motion and it was also supported by George Byng, M.P. for Middlesex,<sup>2</sup> who said that the City of London had 'suffered a most severe loss by the confiscations at St Eustatius'.<sup>3</sup>

Mr. *Burke* concluded the debate in a speech in which, with his usual force of argument, mixed with powerful wit, he answered every thing that had been advanced in opposition to his motion. The mode of reasoning that had been adopted, he said, gave him at least this consolation: it shewed him that ministers were ashamed of the orders which they had given, and could not treat the question fairly. Where there was shame there was hope. They saw and felt the danger of their conduct, and were anxious to throw doubt upon it, wishing to conceal that it originated from their instructions, and leaving the army and navy responsible for the disgrace, and for the consequences. The honourable gentleman said, that their was not one argument which deserved a serious reply. The honourable Captain<sup>4</sup> who spoke early in the debate, confined himself to an argument on the propriety of the navy's sharing in booty, captured on shore, in common with the army. Surely, in all joint expeditions, it was a thing clearly known and established, that they shared agreeable to the arrangement made by themselves. But was this a reason for sharing in the illegal booty! for plundering where they subdued! for becoming the tyrants, instead of the governors of the territory which they invaded! Surely not. The noble Lord who had followed him,<sup>5</sup> had entered more largely into the question; and he had been answered as fully by his honourable friend,<sup>6</sup> all the argument that he had advanced was, that the capture of St. Eustatius was a new case, different from that of Grenada, and from every other; and therefore the conduct observed on this occasion was not to be measured by others. In what respects did it differ? It was well pointed out by his honourable friend, that it differed only in circumstances; which ought to have rendered the property more sacred, because, as he had said before, there wanted the very essence of war, reciprocity; and consequently the inhabitants were intitled to protection by the most powerful of claims.

The learned Lord on the other side of the House,<sup>7</sup> who had gone into a systematic defence of the proceeding, had advanced some arguments truly singular; and which merited a particular reply. He had told the House, that

<sup>1</sup> (1742–1811), later (1802) 1st Viscount Melville.

<sup>4</sup> James Luttrell (c.1751–88).

<sup>5</sup> Germain.

<sup>2</sup> (c.1735–89).

<sup>6</sup> Fox.

<sup>3</sup> *Parl. Reg.*, iii. 338.

<sup>7</sup> Dundas.

they ought not to comply with the motion for the production of papers; because, if they were to come to a resolution that the proceedings had been criminal, they would effectually condemn one or other of the parties, since it must be either the commanders or the ministers that were guilty. The caution of the learned Lord was very laudable. "The subsequent evidence would be short; establish the facts by the production of the papers, and his Majesty's ministers can lie no longer concealed; have mercy then on his Majesty's ministers; you cannot decide on the question of policy without involving the question of guilt; the safety of the ministers depends on your rejection of the motion; and therefore you cannot in this instance, consult the benefit of your country, since a nearer and dearer objection is to be preserved; the object of our gratitude, as he is the author of our political being, the man in whom we live and move, and from whom all the good things of this life are derived; he is to be destroyed by the success of the motion; and therefore save the minister, and let the empire take care of itself." This was the true language of the learned Lord; a sort of language to which they were pretty much accustomed of late, and which was always found to succeed to admiration. It was always the conclusion of every harangue, whatever was the beginning, when argument was exhausted; when evasion failed; when law had no more quibbles to confound, nor eloquence to confuse: "Oh, save the noble Lord! is still the last." He trusted that this argument would not always prevail, when it came to this short issue; whether we must part from the minister or from the empire; and he believed that we did not want much in our journey to that period; then the noble Lord in the blue ribband would have a woeful proof of the instability of that friendship which is founded in interest, begun without esteem, and continued without affection. The honourable gentleman took notice of the light manner in which the learned Lord had spoken of the calamities which had been suffered at St. Eustatius; calamities unparalleled in the history of modern war, and which would leave a melancholy proof behind them, that however the lights of philosophy might teach man to bear miseries, they had not yet taught Britons to forbear to inflict them. It was a light matter then in the opinion of the noble Lord, and to be considered merely as a matter of course, incident to war, and inseparable from the capture of an island; to pronounce a sentence of beggary upon a whole people; to separate the most tender relations of nature; the husband from the wife, and the parent from the child; to tear asunder all the ties of a community, the numerous branching affections of a happy society; to divide them at once, and by one fatal stroke of a conqueror's sword cut that Gordian knot

which linked them together by a social chain; to pronounce a sentence of partial banishment, more severe for not being general: and hurry them in one rude moment to countries where they must not only be aliens, but beggars; all this, in the learned Lord's conception was no more than the common consequences of war, which commanders might inflict without dishonour, and the conquered ought to bear without complaint.<sup>1</sup>

Having with equal poignancy commented on other arguments of the learned Lord, he returned to the real question before the House, and called upon gentlemen to be serious, for it was a serious moment. The predicament was solemn. We must not sport with consequences so dreadful, nor avoid a question so necessary to be determined on broad, impartial ground, for the sake of saving a minister, or of supporting a party. If retaliation was to be dreaded, it was better surely to prevent than to punish it. Heaven knew we were not in a situation in which we held the power of punishment in our hand; struggling for our existence, we had to court the kindness and lenity, not the resentment and retaliation of nations, that we might by our sufferings gain a friend, if we could not command one by our power, nor secure one by our respect. In short, if either empire, or character was dear to us, as a people; if we were not degraded in sentiment as well as in rank; if we were not grown barbarous as well as desperate by our calamities, we must by a resolution of Parliament atone for the misconduct of either of our commanders or of our government. If we must fall, let us at least perish with honour. Let us not, with the loss of independence, lose also our good name as a people. Let us not in the last moments of our existence, so far forget the true road to glory, as to outrage the enemy whom we cannot overthrow. If the difficulties of our situation are daily increasing, let us see "what reinforcement we may gain from hope, if not, what resolution from despair;"<sup>2</sup> by noble and strenuous enterprises we may prevail and triumph; the nations will not suffer us to be crushed if we preserve our virtue; and Providence, approving of our exertions, will stretch forth the powerful arm to save. And if we fail, we shall die lamented, even our enemies will do justice, and history will applaud our name.

<sup>1</sup> Dundas had argued that what had been done at St Eustatius was justified 'on the grounds of necessity, of policy, and of the laws of war'. Even if Burke's allegations of ill-treatment could be substantiated, they were an inevitable consequence of war; 'private calamity was inseparable from public disorder'. The courts were the right forum within which these charges should be tested. The House of Commons must not 'pronounce hasty judgement, in the moment when our fleets and armies were employed on active service . . . It would be an improper discussion for that House at any time, but it was particularly unseasonable in this' (*Parl. Reg.*, iii. 334-7).

<sup>2</sup> Milton, *Paradise Lost*, i. 190-1.

(2) MS. AT SHEFFIELD, BK. 7.17

People—sorts 1. Dutch. 2 British Subjects divided into two sorts—1. Americans many refugees for their Loyalty. 2. Americans who have acknowledged the new Republick. 3. Strangers—Neutral—Imperial—Prussian—Danish—4. Jews some national others not—all robbed alike. Sir G. Rodney and General Vaughan read the law you are all under the Dutch Flag and as Dutch you shall be treated.

1st as to the Dutch. That this conduct is contrary to the Law of Nations.

1. That there is a Law of Nations relative to War is I believe not necessary to prove—What the Nature and effect of that Law is it may be more proper to explain a little.

The Law of Nature (as all other Laws) is made for the Benefit and conservation of mankind, as far as a State of Hostility will possibly permit.<sup>1</sup> The Law taking it for granted that even in the bitterest dissensions amongst men, the common rights of humanity are never totally extinguished, and that some mischiefs may be forborne without a sacrifice of the Ends for which you go to War.

From that Principle follows, the first and fundamental Maxim of the whole—That the rights of War are *not* infinite—for if they were (as some writers have savagely and absurdly asserted) it would put an end to all their discussions about the Law of Nations in this point—for as it is the very essence of Law, to circumscribe and limit, to talk of giving Law concerning what is infinite and therefore cannot be circumscribed and limited, is nothing more than an abuse of language and a gross contradiction in Terms.

Next where do we find this Law? Just where you find all other laws. It is founded 1. in reason. 2. In precedent; and 3 in Authority of the Grave and Learned. 1. If founded in Reason and Nature, it wants no legislative sanction for it is the Law of God. If it has precedent in the reciprocal practice of men it has all the force of a tacit universal convention, and if it has the latest, the most learned and best expressed authorities it has united all that can make a Law binding on Mankind. Now this combined reason, practical convention and authority have<sup>2</sup> Nor does it lack a legal executive power to enforce it for what is done against the Law of Nations, has all

<sup>1</sup> 'If a practice prevails for any time favourable to the conservation of Mankind this is the Law of Nations . . . The object of the law of nations is the conservation of men' (MS. at Sheffield, Bk. 7. 24).

<sup>2</sup> Crossed out 'exempted every Town and province taken by Arms or in which military operations are exercised.'



Nations for its avengers. This Law of Nations so far as concerns this point has two Objects, 1st to limit what is done in the Course of Hostility—and that which is accidentally the result of Hostility; what is to be done upon conquest. Both in the first they are neither to touch the Lives, the liberties or the properties of those who are not actually in Arms. That they content themselves with contributions moderately levied and that they should spare the Country. As to the other object—that of a Town or province conquerd, the Law is far more favourable. For indeed the Case no way resembles the former. Hostility supposes something mutual. There the question is no longer what may be done by an Enemy to an Enemy but the question is whether a prince has the right to destroy his own Subjects because he has lately acquired them. The truth is that the moment any Governor abandons his Government, and surrenders over his people with their consent to another sovereign—the new Sovereign succeeds not only to all the rights of the old but to all trusts, to all his duties, to all his Cares, even all his affections.<sup>1</sup> Not an instant of Anarchy or hostility intervenes. The end of one becomes the beginning of the other—for though governors pass away, Government remains. The duties attach not to the person but to the relation and are perfectly inseparable from it.

It is like the origin from whence it springs <undefiled> and immortal and there can be no power over men for a single moment which can be freed from a relative Duty of Protection. Nor does it signifye whether the origin of this power be force or Custom or contractual consent, for no force nor no custom can give a destructive power to the Governor over the Governed and if we could ever suppose that any people were so abject to submit or so mad as even to consent, that their Governors should make it the object of their powers [to] waste and pillage their Substance and starve themselves and their families, it neither absolves the Governors from the crime or the punishment—but God and man, citizens and strangers are at Lawful War with a Governor avowing as his object and perpetrating the destruction of his people.

It is very very remarkable and very humiliating to the pride that this humane Law never was promulgated from the Universities, from the Chairs of Professors—or the Tribunals of Justice. It was brought in by Soldiers and by Merchants. The Sword taught the rules of humanity to the

<sup>1</sup> For similar statements about the obligations of conquerors in the Indian context, see Burke's Speech at the Opening of the Impeachment on 16 February 1788, vol. vi, pp. 350–1, 470–1.

Gown. The counting houses of mercantile men gave law and enlightened and liberal rules of Jurisprudence to the Bench.

The Learned casting their eyes on their books lookd back to the practice of nations in a crude and ferocious state of Society—and instead of correcting their practice by reason; produced their barbarous practices as precedent to overrule and vitiate reason. So Grotius<sup>1</sup> and others—and Lawyers considering the Law of Nations, on the narrow notions of their own Criminal Law, considered the publick adversary as a state delinquent and Lord Coke says he may be tried by a Court Martial and put to Death.<sup>2</sup> But military men by a close and more <feeling> experience.<sup>3</sup> [of] the Calamities of War, have found that the Ends of War are better answerd by abating from its rigour—Find discipline hurt—concord destrdy—the subsistence of Armies cutt off. The defences of the Country people infinitely more obstinate—reprisal and retaliation. Therefore these Rules practiced before written.

The Merchants found such interruptions to their commerce by the capricious wars of princes—That by a tacit faith and understood compact they agreed to let Trade find its way and Princes at length have acceded to this understood agreement, and though Grotius and all the learned in *ius* “tous les scavans en *ius*”<sup>3</sup> authorise them they think it impious to seize the goods of an Enemy in their Dominions—These were practical Philosophers. [M]oderare vitam vita dedicare magistra.<sup>4</sup>

At length and last and latest of all the Gownsmen came into it—Vattel<sup>5</sup>—not that they did not always end in<sup>6</sup>

But if they were all—yet when France set the example<sup>7</sup>—it had all the force of the last precedent and a precedent in our favour—loads us not only with the imputations of injustice but of <arrogant> ingratitude. These practices bind not only with regard to French but to all mankind—you cannot like Sir G. R. or Gen V.<sup>8</sup> sort and select Enemies—The Rule is

<sup>1</sup> Hugo Grotius (1583–1645), a noted Dutch jurist, who exercised a powerful influence on the development of international law.

<sup>2</sup> In his judgement on Calvin's case in 1608, Sir Edward Coke (1552–1634) had declared that captured enemy aliens were not under royal protection and therefore were to be ‘put to death by martial law’.

<sup>3</sup> All the learned in the law.

<sup>4</sup> Life is the teacher of how to manage life (Professor Michael Crawford's translation). He points out that it is presumably adapted from Cicero, *On the Orator*, ii. 36: ‘historia vitae magistra est’; history is life's teacher. Burke indicated what he intended the quotation to convey in another MS.: ‘The necessities of Life taught its ruler’ (MS. at Sheffield, Bk. 7. 21).

<sup>5</sup> Vattel, see above, p. 81.

<sup>6</sup> In margin: ‘chose to make a Farrago of learning than to decide on any rational principles.’

<sup>7</sup> After the capture of Grenada, see above, pp. 81–2.

<sup>8</sup> Sir George Rodney and General Vaughan.

general—So far as regards the Effects of War, all parties are presumed to have justice on their Side.

Burke's expectations of success were very low. 'I am sorry to say', he wrote, 'I have not conversed with one person—no not with one who did not dissuade any thing direct and full at least as a first measure. You know the deplorable State of the House . . . I am sorry that I cannot have my prudence commended in this motion but at the expence of the dignity of the house'.<sup>1</sup> His motion was defeated by 160 votes to 86. He continued, however, to collect material on St Eustatius and in the next session, with both Rodney and Vaughan in Britain, he announced that he would again move for an inquiry. This was debated on 4 December and was again rejected.<sup>2</sup>

## Speech on Bill to Amend Marriage Act 15 June 1781

Source: *Works* (1792–1827), v. 414–19.

This text, included among 'Fragments and Notes for Speeches' taken from Burke's MSS., was published by the editors of the first edition of Burke's *Works* in their fifth volume, which appeared in 1812 (reprinted in *Works* (Bohn), vi. 168–72). They attributed it to the second reading of what they inaccurately described as a bill to 'repeal', in reality to amend, the Marriage Act, which took place on 15 June 1781. The original MS. has not been found. No newspaper account of Burke's speaking in that debate appears to survive, nor is there a report in *Parl. Reg.*; that in *Parl. Hist.*, xxii. 409–13 was taken from *Works*. The only contemporary reference to Burke's speaking is half a column of what he was supposed to have said which appeared in the *Annual Register* for 1781, p. 200\*. The lack of any other evidence of his having spoken suggests that Burke inserted a brief account of what he would have said in the *Annual Register*.

Marriage in England had been regulated since 1753 by an act, primarily intended to prevent clandestine marriages, always associated with the then Lord Chancellor, Lord Hardwicke.<sup>3</sup> The act had its critics, of which Charles Fox was the most pertinacious, a role that he had inherited from his father, Henry Fox,<sup>4</sup> who had himself married clandestinely and had bitterly opposed the passing of the act. On 7 June Fox had denounced the act and had moved for leave to bring in a bill for 'explaining and amending the Marriage Act'.<sup>5</sup> The second reading of his bill took place on 15 June, when Fox delivered a much-admired speech, focusing particularly on provisions that fixed 21 as the age before which children could not legally marry without the consent of their parent or guardian, which he denounced as a violation of a 'right of nature', and on what he called the 'abominable' power vested in the courts to nullify marriages contracted contrary to the act.<sup>6</sup> Had he spoken, Burke would

<sup>1</sup> MS. at Sheffield, Bk. 7. 21.

<sup>2</sup> See below, pp. 103–16.

<sup>3</sup> Philip Yorke (1690–1764), 1st Earl of Hardwicke. For the act, see R. Probert, *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment*, Cambridge, 2009.

<sup>4</sup> (1705–74), 1st Baron Holland. He had married Lady Caroline Lennox (1723–74) against the wishes of her parents.

<sup>5</sup> The bill is printed in *Commons Sessional Papers*, xxxiii. 245–7.

<sup>6</sup> *Parl. Reg.*, iii. 619–32.

have taken a very different view, as he had done when he opposed a similar motion by Fox on 7 April 1772.<sup>1</sup>

THIS Act [*the Marriage Act*] stands upon *two* principles; one that the power of marrying without consent of parents should not take place till twenty-one years of age; the other that all marriages should be *publick*.

The proposition of the honourable Mover goes to the first; and undoubtedly his motives are fair and honourable; and even in that measure, by which he would take away paternal power, he is influenced to it by filial piety, and he is led into it by a natural and to him inevitable but real mistake, that the ordinary race of mankind advance as fast towards maturity of judgment and understanding as he does.

The question is not now, whether the Law ought to acknowledge and protect such a state of life as minority; nor whether the continuance, which is fixed for that state, be not improperly prolonged in the Law of England. Neither of these in general are questioned. The only question is, whether matrimony is to be taken out of the general rule, and whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other engagement.<sup>2</sup> Now it appears to me very clear, that they ought not. It is a great mistake to think, that mere *animal* propagation is the sole end of matrimony. Matrimony is instituted not only for the propagation of men, but for their nutrition, their education, their establishment; and for the answering of all the purposes of a rational and moral being; and it is not the duty of the community to consider alone of how many, but how useful citizens it shall be composed.

It is most certain, that men are well qualified for propagation, long before they are sufficiently qualified even by bodily strength, much less by mental prudence, and by acquired skill in trades and professions, for the maintenance of a family. Therefore to enable and authorize any man to introduce citizens into the commonwealth, before a rational security can be given, that he may provide for them and educate them as citizens ought to be provided for and educated, is totally incongruous with the whole order of society. Nay it is fundamentally unjust; for a man, that breeds a family without competent means of maintenance, encumbers other men with his children, and disables them so far from maintaining their own. The improvident marriage of one man becomes a tax upon the orderly

<sup>1</sup> A. F. Steuart, ed., *The Last Journals of Horace Walpole during the Reign of George III 1771-1783*, 2 vols., London, 1910, i. 80-2.

<sup>2</sup> Fox's bill proposed that males over 18 and females over 16 should not require parental consent.



and regular marriage of all the rest. Therefore those Laws are wisely constituted, that give a man the use of all his faculties at one time; that they may be mutually subservient, aiding and assisting to each other: that the time of his completing his bodily strength, the time of mental discretion, the time of his having learned his trade, and the time, at which he has the disposition of his fortune, should be likewise the time, in which he is permitted to introduce citizens into the State, and to charge the community with their maintenance. To give a man a family during his apprenticeship, whilst his very labour belongs to another; to give him a family when you do not give him a fortune to maintain it; to give him a family before he can contract any one of those engagements, without which no business can be carried on, would be to burden the State with families without any security for their maintenance. When parents themselves marry their children, they become in some sort security to prevent the ill consequences. You have this security in parental consent; the state takes its security in the knowledge of human nature. Parents ordinarily<sup>1</sup> consider little the passion of their children, and their present gratification. Don't fear the power of a father; it is kind to passion to give it time to cool. But their censures sometimes make me smile; sometimes, for I am very infirm, make me angry; *sæpe bilem, sæpe jocum movent*.<sup>2</sup>

It gives me pain to differ on this occasion from many, if not most of those, whom I honour and esteem.<sup>3</sup> To suffer the grave animadversion and censorial rebuke of the honourable gentleman, who made the Motion; of him, whose good nature and good sense the House look upon with a particular partiality; whose approbation would have been one of the highest objects of my ambition; this hurts me. It is said, the Marriage Act is aristocratick.<sup>4</sup> I am accused, I am told abroad, of being a man of aristocratick principles. If by aristocracy they mean the Peers, I have no vulgar admiration, nor any vulgar antipathy towards them, I hold their order in cold and decent respect. I hold them to be of an absolute necessity in the Constitution, but I think they are only good when kept within their proper bounds.<sup>5</sup> I trust, whenever there has been a dispute between these

<sup>1</sup> 'ordinarily' in original.

<sup>2</sup> How often your noise has stirred my anger, how often my laughter, adapted from Horace, *Epistles*, I. xix. 19–20.

<sup>3</sup> Rockingham shared Burke's misgivings about the bill (*Corr.* iv. 355–6).

<sup>4</sup> Fox had described the act as intended to 'separate the high from the vulgar, and prevent their intermarriage and mixture' (*Parl. Reg.*, iii. 620).

<sup>5</sup> Burke was to adopt a rather different tone in his paean on the role of aristocrats in government in the *Appeal from the New to the Old Whigs*, see below, pp. 448–9.

Houses, the part I have taken has not been equivocal. If by the aristocracy, which indeed comes nearer to the point, they mean an adherence to the rich and powerful against the poor and weak, this would indeed be a very extraordinary part. I have incurred the odium of gentlemen in this House for not paying sufficient regard to men of ample property.<sup>1</sup> When, indeed, the smallest rights of the poorest people in the kingdom are in question, I would set my face against any act of pride and power countenanced by the highest that are in it; and if it should come to the last extremity and to a contest of blood—God forbid! God forbid!—my part is taken, I would take my fate with the poor, and low and feeble. But if these people came to turn their liberty into a cloak for maliciousness, and to seek a privilege of exemption, not from power, but from the rules of morality and virtuous discipline, then I would join my hand to make them feel the force, which a few, united in a good cause, have over a multitude of the profligate and ferocious.

I wish the nature of the ground of repeal were considered with a little attention. It is said the Act tends to accumulate, to keep up the power of great families; and to add wealth to wealth. It may be that it does so. It is impossible that any principle of law or government useful to the community should be established without an advantage to those, who have the greatest stake in the country. Even some vices arise from it. The same laws, which secure property, encourage avarice; and the fences made about honest acquisition are the strong bars, which secure the hoards of the miser. The dignities of magistracy are encouragements to ambition, with all the black train of villainies, which attend that wicked passion. But still we must have laws to secure property; and still we must have ranks and distinctions, and magistracy in the State, notwithstanding their manifest tendency to encourage avarice and ambition.

By affirming the parental authority throughout the State, parents in high rank will generally aim at and will sometimes have the means too of preserving their minor children from any but wealthy or splendid matches. But this authority preserves from a thousand misfortunes, which embitter every part of every man's domestick life, and tear to pieces the dearest ties in human society.

<sup>1</sup> Burke may perhaps be referring to the criticism that he had incurred for his support of the Insolvent Debtors Bill in 1780 against the wishes of some of his Bristol constituents. 'It is said . . . that I treated the petition of this city with contempt even in presenting it to the House and expressed myself in terms of marked disrespect' (*Speech at Bristol Previous to Election*; vol. iii, p. 634).

I am no Peer, nor like to be—but am in middle life, in the mass of citizens—yet I should feel for a son, who married a prostituted woman, or a daughter, who married a dishonourable and prostituted man, as much as any Peer in the realm.

You are afraid of the avaricious principle of fathers. But observe that the avaricious principle is here mitigated very considerably. It is avarice by proxy; it is avarice not working by itself or for itself, but through the medium of parental affection, meaning to procure good to its offspring. But the contest is not between love and avarice.

While you would guard against the possible operation of this species of benevolent avarice, the avarice of the father, you let loose another species of avarice, that of the fortune-hunter, unmitigated, unqualified. To shew the motives, who has heard of a man running away with a woman not worth sixpence? Do not call this by the name of the sweet and best passion—love. It is robbery not a jot better than any other.

Would you suffer the sworn enemy of his family, his life and his honour, possibly the shame and scandal and blot of human society, to debauch from his care and protection the dearest pledge that he has on earth, the sole comfort of his declining years, almost in infantine imbecillity; and with it to carry into the hands of his enemy and the disgrace of Nature, the dear-earned substance of a careful and laborious life? Think of the daughter of an honest virtuous parent, allied to vice and infamy. Think of the hopeful son tied for life by the meretricious arts of the refuse of mercenary and promiscuous lewdness. Have mercy on the youth of both sexes; protect them from their ignorance and inexperience; protect one part of life by the wisdom of another; protect them by the wisdom of laws and the care of Nature.

Largely, it was said, due to the power of Fox's oratory, the bill passed its second reading by 90 votes to 27. It was much amended in Committee and was to be rejected by the House of Lords on 12 July 1781. Burke was to deliver 'a curious but abstruse disquisition on the nature of our laws and customs as to husbands and wives and their power over children' in 1783 in a speech on Williams's Divorce Bill.<sup>1</sup> In 1792 he was again to make a public statement of his views on marriage, when he denounced what he saw as the tendency of revolutionary France to make 'marriage a civil contract, to be dissolved like all other contracts' and to legitimize children born out of wedlock.<sup>2</sup>

<sup>1</sup> *Parl. Reg.*, ix. 544.

<sup>2</sup> See below, pp. 513–14 and *First Letter on a Regicide Peace* (vol. ix, pp. 243–5).

## Speech on Address 28 November 1781

Source: *Parl. Reg.*, v. 59–62.

Burke spoke late in the debate and so most newspapers carried relatively brief accounts of what was a long speech. The fullest appeared in a 'resumed sketch' of the debate in the *Morning Chronicle* of 30 November. This was reproduced with major additions in *Parl. Reg.*, v. 59–62, followed in *Parl. Hist.*, xxii. 745–9. MSS. at Sheffield, Bk. 6. 157, 159, 160 seem to be material prepared for this speech.

By November 1781 it was clear that British efforts to subdue America had reached a critical phase. The southern army under Lord Cornwallis<sup>1</sup> was besieged at Yorktown in Virginia by French and American forces and efforts to drive a French fleet away from the Chesapeake had failed. There were still hopes that a relieving force from New York might break through, and the speech that Burke prepared for the imminent opening of the new parliamentary session made that assumption.<sup>2</sup> By 26 November it was, however, certain that Cornwallis's army had been forced to surrender. The King's Speech on the following day admitted the loss of the southern army, but insisted that, although a peace was much to be desired, it could not be made by sacrificing 'those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend'. The Address pledged the House to give the Crown resources to enable it to maintain those rights and interests and in particular to ensure that America did not fall under 'the power and interest' of France. Whether this was a commitment to continue the war on land in America was not clear. Both North and Germain insisted in the debate that followed that it was not.<sup>3</sup> The news of Yorktown came too late for an 'irresolute and inactive' opposition to rally their forces for an effective challenge to the government.<sup>4</sup> Burke, however, made a ferocious attack on ministers on the first day of the debate, threatening them with impeachment. Whatever the wording of the Address, he accused the government of being determined to continue the war in America.<sup>5</sup> The debate on 27 November ended with the defeat by a substantial margin of a motion by Fox that the Address be amended to include a call for 'a total change of system'. On the next day the Address was put to the House for approval. Burke spoke in the closing stages of the debate with a display of emotion and an extravagance of language that drew much comment.

Mr. *Burke* rose next; he declared that if any thing yet remained necessary to be done or said to convince the House that the Address pledged them to the continuance of the American war, he would read part of the Address of the House to the King in the year 1778, which pledged them to the support of the French and American war for the sake of our rights and interests.<sup>6</sup> This he said was his text on which he would preach, by comparing this with the assertion, that it pledged the House to nothing; and comparing both with

<sup>1</sup> Charles Cornwallis (1738–1805), 2nd Earl, later (1792) 1st Marquess.

<sup>2</sup> MS. at Northampton, A xxvii. 64.

<sup>3</sup> *Parl. Reg.*, v. 34, 42–3.

<sup>4</sup> I. R. Christie, *The End of North's Ministry, 1780–1782*, London, 1958, p. 270.

<sup>5</sup> *Parl. Reg.*, v. 35–41.

<sup>6</sup> In their Address of 25 November 1778 the Commons had pledged themselves to support the Crown in 'vindicated the national Honour and Security'.



the language of the Scotch,<sup>1</sup> and the Irish,<sup>2</sup> and the English ministers; and lastly, by comparing and applying them all to the consciences of the House. The Address was a delusion, and he was not a little amazed to hear the learned Lord make it an argument that it could not be a delusion, because it could only last a week;<sup>3</sup> good God, did the noble and learned Lord know so very little of the minister, as to imagine that the shortness of time, which a delusion could exist, was any reason for his not practising it? The noble Lord dealt in cheats and delusions; they were the daily traffic of his invention! A week! The noble Lord had often held out a cheat for half that time! For a day only! Nay, for a single hour. He had practised cheats upon the House, which died away even before the debate was ended, to favour which they were contrived. Had not that House seen the noble Lord's cheat upon the subject of the Conciliatory propositions?<sup>4</sup> Had they not witnessed his dexterity in laying down his own cheat on that occasion, and adopting another which he thought he played off more advantageously? The noble Lord would continue to play off his cheats and delusions on that House as long as he thought it necessary and had money enough at command to bribe gentlemen to pretend they believed them! It was no argument, therefore, to suppose that the shortness of time for which they were likely to operate, proved that they were not in fact delusions. The honourable gentleman said, the learned Lord, had ingeniously endeavoured to throw obscurity and confusion on the manner of conducting the war; nay, the ministers themselves were not clear in their ground respecting the Address; he said the Scotch Secretary of State and the Irish Secretary of State, had both of them, in another place, held a language totally different from that of the South British minister in that House. The Scotch and Irish Secretaries had expressly declared, that the Address did pledge those who voted for it to a prosecution of the American war: the one directly said they were pledged, the other hinted the same thing.<sup>5</sup> The South British Secretary and

<sup>1</sup> David Murray (1727–96), 7th Viscount Stormont, later (1793) 2nd Earl of Mansfield, was Secretary of State for the Northern Department. He was Scottish.

<sup>2</sup> Lord Hillsborough, Secretary of State for the Southern Department, was a great Irish landowner.

<sup>3</sup> Henry Dundas had argued that the Address did not involve a commitment to continue the land war and that it would be futile for ministers to try to conceal their real intentions: 'The delusion would not hold a week. The fallacy must be detected' (*Parl. Reg.*, v. 55–6).

<sup>4</sup> Of 1778.

<sup>5</sup> In the debate in the Lords on 27 November 1781, Stormont had said that the message of the Address 'could not be peace' (*Morning Herald*, 28 Nov. 1781), while Hillsborough had insisted that American independence could never be conceded and had said that he was uncertain whether Britain should fight an offensive or defensive war in America (*Parl. Reg.*, viii. 26–7).

his supporters had told the House the direct contrary.<sup>1</sup> What sort of confidence then ought gentlemen to place in an administration, where there was so glaring a want of concert? What firmness, what vigour could arise from the councils of men so disunited? How was this difference of argument upon the same subject to be accounted for? Was it owing to their different places of birth? Were Scotch, Irish, and English so jumbled together, that there was a Babel in the Cabinet, and such a confusion of tongues,<sup>2</sup> that the one could not understand what the other said? The learned Lord told the House, he did not mean to pledge himself for the prosecution of the American war, when he voted for the Address? What satisfaction was that to the House? The declaration was the private declaration of an individual member of Parliament. The Address was the act of the House; but now he came to apply to the consciences of the House, and to discharge his own.<sup>3</sup> The tenth article of the Capitulation shocked him beyond measure.<sup>4</sup> Earl Cornwallis was forced to surrender up to the civil jurisdiction of the country the loyalists who had come to his standard. These men we had butchered in cold blood; they were doomed to be hung, drawn, and quartered; and a young Prince of the blood was sent out to be spectator of the horrid executions of those who were quelling the rebellion against the Crown, executed for rebelling against the Congress. What a scene, cried he, for the eyes of the royal youth, to behold the faithful adherents of his Father hanging in quarters on every headland as he sails along. What a report to make of the objects that first struck his view in that country, where he was taught to hope he should be every where received with welcome. Here, Sir, I beheld the bloody remnants of our faithful friend, Mr. Williams, gibbeted up for a terror to all who adhere to us; and a little farther another friend, and yet another, and another.<sup>5</sup> But is not this

<sup>1</sup> Lord George Germain, the Colonial Secretary of State, insisted that the Address did not commit the government to continue the war on land in America. That issue, he said, was yet to be decided (*ibid.*, v. 42–3).

<sup>2</sup> *Gen.* II: 1–9.

<sup>3</sup> In notes, evidently for this speech, Burke had written: 'I am, at least in wish and principle, I am a Christian. I therefore cannot find it in my heart to dip my hands in other men's blood and squander away other people's money without some clear reasons' (MS. at Sheffield, Bk. 6. 160).

<sup>4</sup> For the tenth article of the capitulation, the British had proposed that 'The natives or inhabitants of different parts of this country shall not be punished for having joined the British army'. The American military command rejected this as being a matter that depended on the civil jurisdiction.

<sup>5</sup> Prince William Henry (1765–1837), the third son of George III, later to be King William IV (1830–7), was serving in the navy in the Atlantic. The scenes of mass execution that Burke envisaged that he might witness did not take place. Some of the loyalists most at risk were permitted to escape on a ship to New York, and of the rest, whites at least seem not to have been treated with undue severity unless they had been deserters from the Continental Army. The prospects for black loyalists, on the other hand—that is, ex-slaves who had flocked to Cornwallis's army—were very bleak. 'Mr Williams' has not been identified.

one fact among a thousand, sufficient to convince us of the horrible iniquity of the measures we have hitherto pursued? and is it not the strongest reason for our forsaking a system so pernicious? He worked up his passions so much in descanting on the shocking cruelty of the circumstance, that his whole frame was visibly and violently agitated. He declared the blood of all the Americans, who lost their lives in consequence of that capitulation, rested on the head of Lord Cornwallis, or of ministry. As he had no right to charge him with it in the other House, where the Earl was entitled to a seat, he would make those walls re-echo with it, till Lord Cornwallis had accounted for a conduct so disgraceful to the British name, so distressing to humanity! and while he did this, he had the highest and most respectful regard for the virtues of the noble Earl. Some dreadful circumstances must have attended the giving up of his friends. He drew a comparison between the conduct of General Burgoyne at the surrender at Saratoga, and that of Lord Cornwallis at York-town. He reminded ministers of the manner in which they had treated General Burgoyne, who gave up no loyalists to butchery.<sup>1</sup> He brought to their recollection the doubts entertained by them of the General's having a right to his seat in Parliament while he was a prisoner, and the manner in which they had prevented his throwing himself at the feet of his Sovereign,<sup>2</sup> and asked them if such was their treatment of a General who obtained such honourable terms of capitulation, what was Lord Cornwallis to expect? He next shewed to what extent the power of protection described by the American secretary had been carried. By fire and sword we had forced the Americans to join the King's troops, and now those very men, who had been fighting to quell rebellion,<sup>3</sup> were to be executed with ignominy, for having themselves been rebels. After working up himself and his hearers to the most distressful state of emotion, he branded the ministers as the cause of the horrid disasters he had described, and declared the Address to be the most hypocritical, infamous, abandoned, lying paper, that ever that House had been called upon to vote. After turning this affecting circumstance into various points of view, he mentioned a most singular fact. Earl Cornwallis was governor of the tower of London, and consequently Mr. Laurens was his

<sup>1</sup> Article vii of the capitulation at Saratoga on 16 October 1777 stated that all the elements of the army of General John Burgoyne (1723–92), 'of whatever country' were to be 'comprehended in every respect as British subjects'.

<sup>2</sup> On his return to Britain in May 1778 on parole, Burgoyne was refused an audience with the King and a parliamentary inquiry into his defeat. For Burke's involvement in his cause, see below, pp. 124–7.

<sup>3</sup> Germain had said that all 'he had ever wished for was to support, and give efficacy to the struggles of the loyalists against the inimical' (*Parl. Reg.*, v. 43).

prisoner.<sup>1</sup> Colonel Laurens, son to Mr. Laurens, was appointed captain general of prisoners in America,<sup>2</sup> and consequently Earl Cornwallis was prisoner to the son of his own prisoner. This was a circumstance that would incline a man the least addicted to superstition, to think that there was a special Providence in this affair, brought about for the purpose of humbling the proud, and teaching to all by the vicissitudes of human fortune, the duties of tenderness and, humility. He also mentioned this particular circumstance, that on the 17th day of October exactly to a day, four years from the surrender of General Burgoyne at Saratoga, Lord Cornwallis beat a parley to capitulate at York town.

At the end of the debate the report on the Address passed by 134 votes to 54 with Burke a teller in the minority.

## Speech on St Eustatius 4 December 1781

Source: *Morning Herald*, 5 December 1781; *London Courant*, 5 December 1781.

The longest version of Burke's main speech, described as 'the substance' of what had taken Burke three hours to deliver, appeared in the *Morning Herald*, 5 December 1781. It was used for the *Parl. Reg.*, v. 83–90 and in *Parl. Hist.*, xxii. 770–8. The fullest account of Burke's later interventions was carried by the *London Courant*, 5 December 1781. The source for the account of these in *Parl. Reg.*, v. 94, 95–6, 97 (*Parl. Hist.*, xxii. 782, 783–4) has not been identified. On 11 December the *Morning Chronicle* printed a 'Continuation of our Sketch of the Debate' of 4 December, which gave full versions of Rodney's and Vaughan's replies to Burke's speech. MS. at Sheffield, Bk. 27. 96 appears to be a fragment of a draft for this speech.

Burke's motion for an inquiry into the plundering that had followed the British capture of St Eustatius had been rejected by the House on 14 May,<sup>3</sup> but defeat had not deflected his concern and he had continued to collect material. In the new session he gave notice on 30 November that the two officers principally concerned, Admiral Rodney and General Vaughan, who had been overseas at the time of the last debate, were now in Britain, and, as they were both M.P.s, would be able to answer for themselves in the House. He therefore intended to raise the matter again shortly.<sup>4</sup> Burke later wrote of the debate on 4 December that he 'was up' in his 'opening, considerably more than three hours. But my whole heart is in this business, which obliged me to rise twice in reply, and each time to labor a good deal'.<sup>5</sup>

*Mr. Burke* rose then to enter upon the business relative to the conduct of Sir George Rodney and General Vaughan at St. Eustatius; but observed, that as he intended to move for a committee, he did not think it would be

<sup>1</sup> For Henry Laurens's incarceration in the Tower, see below, pp. 118–21.

<sup>2</sup> John Laurens (1754–82). <sup>3</sup> See above, pp. 65–94.

<sup>4</sup> *Morning Chronicle*, 1 Dec. 1781. <sup>5</sup> *Corr.* iv. 387.



necessary for him to go into a detail of the business at this moment, if the House should think proper, that a committee should sit.

Mr. Burke was here called upon to make his motion, that the House might judge, whether it would be proper to agree to it or not. He then read, though he did not at the same time make the motion, which was to the following purport:—that this House will resolve itself into a committee to examine into the confiscation of the property of his Majesty's new subjects, at St. Eustatius, and of his British subjects in the same island; and the sale of the same to the enemies of this country, or to other people, through whom they reached the dominions of our enemies.

Lord George Germain objected that allegations about the sale of goods to the enemy must be proved before the House could consider them and that the confiscations were now before the courts and so the House ought not to debate them.

Mr. *Burke* got up again. The doctrine laid down by the Noble Lord would, he said, if adopted, be productive of the greatest mischief to the country: for in every case, where a question of law, and of state policy were united, one of the parties concerned had only to appeal to law; and then, *pendente lite*,<sup>1</sup> the policy of the nation must sleep, and by proper manœuvres it might be made to sleep till doomsday; for if it was not to be wakened till the suit should be determined, it might rest almost for ever, as might suit the interest of the parties concerned never to bring the matter to issue; and then no decision having been had, and the *pendente lite* still remaining, the question of policy, according to the Noble Lord, could not, or at least ought not, to be agitated. Such reasoning was too ridiculous to be adopted by a House of Commons.

Here Mr. Burke entered again upon the subject of the conquest of St. Eustatius, the treatment of the Dutch, American, French and British inhabitants of that island, and his observations were in substance a repetition of what he said last year. He ridiculed the conduct of the Admiral and General in directing their principal force against the place, where the least resistance was to be expected, and attacking with a small force, the places that were most capable of defence: St. Vincent's and St. Eustatius illustrated his assertion. The Admiral inconsiderately, and without proper information, attempted to take the former with a small force; but finding himself unequal to the task, he gave up the design, but not without shewing upon what principle he carried on the war: he had been invited by the

<sup>1</sup> While a suit is pending.

calamity of the hurricane which he hoped had desolated St. Vincent's, to make a descent on that island; but finding the enemy stronger than he expected, he was determined to distress the poor inhabitants as much as he could; and as he was not able to carry this island, he endeavoured to distress it as much as possible, and carried away all the negroes that he could collect.<sup>1</sup> The inducement which the Admiral had to invade St. Vincent's, was so repugnant to the dictates of humanity, that it was really astonishing, how the Noble Lord, who was Secretary for the American department,<sup>2</sup> could think of publishing that part of a letter, which said it being probable that the hurricane and earthquake had so weakened the island of St. Vincent's, that a British Admiral was resolved to add the horrors of war to the scourge of heaven, and to destroy by the sword those who had survived the dreadful calamity of storms and earthquakes.<sup>3</sup> The publication of this letter was impolitic to the last degree; for, as we were determined at all events to carry on the present war, it should have been the care of ministers to conciliate, as much as possible, the good will of the different states with whom we are not at present at war. Our ministers should have considered two things—what force they had themselves to prosecute the war, and how they might encrease that force by alliances; as to our own force, it was well known that it was inferior to that of the enemy; ministers were therefore highly to blame in taking a step that would naturally make other powers not only lukewarm in our cause, but even induce them to think that we deserved our fate. It was a mistaken notion that cabinets were mere machines, moved only by interest: cabinets were composed of men, and men must have their feelings; states were said to be restless and ambitious; if therefore, they could they could be governed by bad passions, why therefore should it be supposed that they were incapable of being swayed by the good and the generous? If we had always acted upon the defensive, never provoked an enemy, or made an improper use of our own force, we should be pitied at least in our distress, and compassion might raise us friends: but the publication of the letter he had alluded to, must, he was afraid, have stifled compassion in the breasts of all the Princes of Europe,

<sup>1</sup> The American merchants Samuel Curson and Isaac Gouverneur (see below, p. 107) accused Rodney and Vaughan of taking away slaves which were 'private property' (MS. at Sheffield, Bk. 7. 15). Rodney reported that some slaves 'who were terrified of the cruelty of the Indians, and who applied to me, I gave directions to have received on the frigates' (TNA, ADM 1/311, f. 436).

<sup>2</sup> Germain.

<sup>3</sup> Parts of Rodney's and Vaughan's dispatches on how they had been encouraged to make the attempt to recover St Vincent because of 'the ruinous state of the island' were published in the *London Gazette*, 3–6 Feb. 1781.

and made them think we deserved the misfortunes we suffered; and the more so, when the conduct of the French Admiral had furnished them with so striking a contrast: Sir George Rodney attacked St. Vincent's, but not being able to take the island, he carried off the negroes, in order to distress the inhabitants as much as he could; Comte de Grasse, when he took Tobago, forced all the privateers to deliver up the negroes he had taken from that island, and restored them to the inhabitants, whom he even permitted to send their produce to England, if they should please.<sup>1</sup>

Our Commanders, having miscarried before St. Vincent's, directed their arms against St. Eustatius; and as they knew that no resistance of any consequence could be made, and that three stout privateers well manned might have taken the place, the British commanders, to keep up the consistency of their conduct, appeared before it with fifteen ships of the line, a proportionable number of frigates, and 3000, or at least 2500, of the best troops in the world. The force to resist this powerful armament consisted of a few pieces of useless artillery, and about 36 soldiers, who might be assisted with some invalids, &c. to the amount of about 24 more; in all about sixty men. The place, being incapable of defence, surrendered at discretion; but it seems that our commanders interpreted *discretion* into *destruction*, for they did not leave the conquered a shilling. Discretion, in the language of the civil law, means *arbitrium*, not *arbitrium cujuslibet pravi*, but *aequi bonique viri*,<sup>2</sup> and of course was to be taken in a favourable interpretation: and therefore the moment the people laid down their arms, they were entitled to protection; for where hostilities end, there protection begins: the inhabitants ought therefore to have received protection, though from the manner of their surrender, they could not claim a privileged protection. But what was the protection they received? Their warehouses were locked up; their books taken from them; their provisions even withheld; and they were compelled to give in an account of all their ready money, plate, jewels, &c. nor was rank, or sex, or age, spared in the general order; all were included, and all were forced to comply; nay, so great had the hardships been, which the inhabitants were forced to undergo, that

<sup>1</sup> The terms of the capitulation of Tobago in June 1781, granted by Admiral François-Joseph-Paul, Comte de Grasse (1722–88) and François-Claude-Amour, Marquis de Bouillé (1739–1800), Governor of Martinique, included a provision that the 'effects and particularly the slaves belonging to the inhabitants, which may be taken during the siege shall be restored'. After the war Bouillé was presented with a sword by the London West India merchants as a mark of their appreciation of his efforts to safeguard British property in islands captured by France.

<sup>2</sup> 'Etiam si deditio facta est ad libetum voluntatis . . . ut ad arbitrium boni viri componi oporteat rem.' (Alberico Gentili, *De Jure Belli Libri Tres*, Hanau, 1612, p. 370); Even if a surrender has been made at discretion . . . it ought to be understood at the discretion of a good man.

Governor Meynell, who died, was supposed to have fallen a victim to the hardships he had endured.<sup>1</sup> The next measure was the general proscription of all the inhabitants by which they were ordered to quit the island; all without exception: the Dutch were banished because they were Dutch; the Americans, because they were the king's enemies: ill-fated Americans! destined to be always the objects on which the English were desirous to heap misfortunes; banished as enemies from St. Eustatius; surrendered without condition at York Town, though friends!<sup>2</sup> Consequently destined to suffer, either as friends or foes to Great-Britain, and to receive the deadly blow from her own hand. Among these, the case of Mr. Gouverneur was not a little remarkable;<sup>3</sup> he had traded solely in dry goods, and no naval or military stores whatever had passed through his hands; but he acted upon commission from the Congress. This gentleman was seized, his property confiscated, and himself hurried on board, to be carried to England; while his wife was unable to obtain even a bed from her own house, for her husband and herself.<sup>4</sup> It was true indeed, that on board they were both treated with the greatest humanity by Commodore Hotham<sup>5</sup> and Captain Halliday;<sup>6</sup> but the guilt of those who had treated them so barbarously could not be effaced by the humanity of other people! Mr. Gouverneur had no chance for his property in the hands of the Admiral and General; they viewed him in a two-fold light, and thereby were sure to catch him doubly: they considered him as a Dutchman and an Englishman;<sup>7</sup> as a Dutchman,

<sup>1</sup> Burke seems to be referring to 'Rennel', described as the 'late Deputy Governor' (MS. at Sheffield, Bk. 7. 25). The Governor, Johannes de Graaf (1729–1813), for whom Rodney had a particular aversion, had his property confiscated and was sent off to the Netherlands.

<sup>2</sup> See above, p. 101.

<sup>3</sup> On the evidence of a large collection of papers taken off a Dutch ship, Rodney ordered that Isaac Gouverneur and his partner Samuel Curson be seized and sent to Britain on a warship as 'prisoners of state'. They were American merchants carrying on a large business at St Eustatius. They handled exports of American tobacco and acted as agents for Congress in obtaining supplies. In asserting that 'no naval or military stores' passed through Gouverneur's hands, Burke was claiming more than the Americans themselves were prepared to do. They admitted that they had had shipped gunpowder to Philadelphia, 'thinking that they had a right so to do' (MS. at Sheffield, Bk. 7. 15). The British law officers thought that the seized papers provided 'direct proof of treasonable acts committed by them', but seem to have had doubts as to whether a conviction could be obtained. (Law Officers' letter, 21 July 1781, TNA, CO 5/160, f. 154; see also *Morning Chronicle*, 30 July 1781). They were kept in confinement, in Gouverneur's case in the New Prison, but were not brought to trial. Burke applied to ministers and to Lord Mansfield on their behalf (W. Hodgson to Burke, 23 Oct. 1781, MS. at Northampton, A. ii. 15; S. Curson to Burke, 28 Nov. 1781, MS. at Sheffield, Bk 1. 1486). In March 1782 they were released on bail. After the change of ministries, their bail was discharged.

<sup>4</sup> The accusation that Elizabeth Gouverneur had been ill-treated was denied by Vaughan in the House of Commons (*Parl. Reg.*, v. 93).

<sup>5</sup> William Hotham (1736–1813), later (1797) 1st Baron Hotham.      <sup>6</sup> Christopher Halliday (d. 1790).

<sup>7</sup> Both Gouverneur and Curson had, as was common with foreign merchants at St Eustatius, taken the status of Dutch burghers.



they confiscated his property; as an Englishman, they confined him as a traitor, and sent him to England, to be reserved for the justice of his country to pronounce upon him. But did not the Commanders know, that if he was a subject of this country, and even guilty of treason, his property could not be confiscated, until a jury of his country should have pronounced him guilty? It was conviction alone that produced confiscation, and gave the King a right, which a moment before he did not possess, to dispose of the convict's property. But the Commanders went to work another way; they first confiscated and made sure of the goods, before they knew whether Mr. Gouverneur should be convicted or not; and then subjected him to the hardships of four or five months close confinement in a gaol, with the meanest and most depraved malefactors.

The French inhabitants of the island of St. Eustatius were also banished, but they were indeed treated with a degree of politeness which the other nations had not experienced: the Americans our subjects, and the Dutch our natural allies, were treated with uncommon severity; whilst the French, our natural enemies, met with some respect and politeness;<sup>1</sup> probably because they were the subjects of a polite nation, or rather because retaliation was apprehended. Letters indeed had passed between Sir George Rodney and the Marquis de Bouille, which were conceived in language that equalled the highest that had been used in the wildest days of ancient chivalry; and there the Admiral bid defiance to the enemy, and told him he did not dare to retaliate;<sup>2</sup> but if retaliation had not taken place, it was not to be ascribed to fear, but to the native generosity of the King of France, and the sense he entertained of public justice. Our own merchants at home had solicited relief,<sup>3</sup> but they could find it only at the foot of the French throne; and the British Ministry, who could not be moved by the dictates of national justice, or the supplications of our merchants, soon gave way to a menacing letter from the Court of France, in which the French King said, that, contrary to his natural disposition, he should be obliged, in justice to his subjects, to have recourse to retaliation, if the British Ministry

<sup>1</sup> The French were forced to leave the island but they were not plundered. They were permitted to take their property, including slaves, with them. Rodney claimed that their 'persons have been treated with respect' (*Rodney Letters*, p. 30). There were allegations that they had been allowed to take out large quantities of goods with them.

<sup>2</sup> A blistering exchange of notes between Rodney and Bouillé (see above, p. 106) was published in Paris and was widely printed in the British press (e.g. *St James's Chronicle*, 28–31 July 1781).

<sup>3</sup> Petitions of West India merchants and from Bristol and Liverpool complaining of the seizures at St Eustatius were referred to the Privy Council, which ruled that, as the petitioners did not appear to be 'immediately interested' in the property seized, the Privy Council 'cannot advise your Majesty to interpose further therein' (TNA, PC 2/126, p. 372).

would not adopt a different line of conduct.—Ministers then gave, and the French met with, better treatment after the menace had been conveyed to our court.<sup>1</sup> It was really a matter of astonishment, that the English should act in a manner to provoke retaliation; yet so it was, that at the very time Lord Cornwallis was surrounded with forty-two pieces of heavy artillery when he could not so much as shew the *nose* of a gun to the enemy, General Arnold was employed in burning shops and houses in New Hampshire; and this species of warfare was unknown even to General Arnold, till he joined the British Standard;<sup>2</sup> but so common was that kind of war to the English, and so many acts had the enemy to retaliate upon them, that, by the most unheard-of article, Lord Cornwallis was obliged *to strengthen the flank* of his capitulation, in order to screen his troops from all reprisals under the idea of retaliation.<sup>3</sup>

The poor Jews at St. Eustatius were treated in a worse manner, if possible, than all the other inhabitants; they were stripped of all their money, and eight of them put on board a ship to be carried out of the island: one of them in particular, Mr. Hohen, a venerable old gentleman, of near 70 years of age, had even his cloaths searched; “and from this bit of linen (said Mr. Burke, holding it up) which was sewed in the poor man’s coat, were taken 36 shillings, which he had had the consummate audacity to endeavour to conceal for the purpose of buying victuals; here is the linen; and I can produce at your bar the coat from which it was taken, and the man who wore it.” Mr. Hohen was treated in the most harsh manner, as were all his brethren, for this concealment;<sup>4</sup> and the treatment brought to

<sup>1</sup> Thomas Walpole (1727–1803), who had very extensive property in Grenada, captured by the French in 1779, negotiated with the French minister, Charles-Eugène-Gabriel de La Croix, Marquis de Castries (1727–1801). He was told that if the British did not within a month restore French property taken at St Eustatius, retaliation would be taken against British property. This threat was lifted on assurances that the French would be enabled to establish claims for restitution (see Walpole’s correspondence with Castries and Germain, TNA, FO 95/2/1, ff. 107–9). Copies of Walpole’s correspondence in Burke’s papers (MS. at Sheffield, Bk. 7. 5) strongly suggest contacts between them.

<sup>2</sup> Benedict Arnold (1741–1801), who had deserted to the British from the Continental Army, led a raid on New London, Connecticut, in September 1781, which was intended to ease the pressure on Cornwallis at Yorktown.

<sup>3</sup> Article xiv of the Yorktown capitulation stipulated that none of the articles was to be infringed ‘on pretence of reprisals’.

<sup>4</sup> Samuel Hoheb had gone to St Eustatius as a factor for an Amsterdam Jewish firm and had remained there as a merchant on his own account. His assets, which he valued at about £4,000, were seized and he was shipped off to St Kitts. Burke presented a petition on Hoheb’s behalf, which it seems most likely that he had himself drafted, to the House of Commons on 4 February 1782 (for petition, see *Commons Journals*, xxxviii. 672–3; for Burke’s speech, see *Gazetteer*, 5 Feb. 1782). The petition was referred to a committee, but Hoheb appears to have received no compensation; see his anguished letter to Burke, 15 Apr. 1782, MS. at Sheffield, Bk. 1. 1597.

his mind a story of an Irish gentleman, who finding his wife indulging a little too freely in the follies and amusements of London, carried her over to a venerable old castle he had in Ireland: the lady's acquaintance in London were much offended at this step, and their expressions of disapprobation reached the gentleman's ear; upon this he said the world dealt whimsically by him; "for, said he, if I had ran away with another man's wife, I should have been applauded, as a fashionable man; but because I ran away with my own wife, I am censured by the world." So with the Jew—he was ill treated because he had endeavoured to carry away some of his own money.

With respect to the confiscation in general, the Commanders were without the shadow of excuse; for they had very able assistance at hand, if they had thought proper to resort to it; they might have taken the opinion of his Majesty's Attorney and Solicitor General of St. Kitt's on the point of law, but no such opinion was ever called for, though Mr. Bridgewater,<sup>1</sup> the Solicitor-General, had been twice with Sir George Rodney: this was a fact which should be proved at the bar, if the House would go into the inquiry.

The Commanders in Chief having determined upon the confiscation, the next thing to be thought of was the sale of the goods. A proclamation was accordingly issued, promising free ingress and regress to all purchasers, together with security that their money should not be taken from them; and that they should be at liberty to carry away the goods they should purchase: this promise of protection *eundo, redeundo, and commodando*,<sup>2</sup> might not have been thought necessary from any but the conquerors of St. Eustatius. Seventeen flags of truce were ordered from various parts to that island; and the goods being set up at auction, *ad crudelem hastam*,<sup>3</sup> they were mixed so as to make proper assortments; and, in particular, a kind of sail-cloth called *Maven's Stuff*, which is generally used for scudding and stay sails, and of which kind half the sails of every American vessel was made, was sold to whoever should purchase, without taking any other notice of the purchaser, than to see if he had money enough. Another difficulty, however, was still to be obviated; the privateers were like vultures, hovering round the island, waiting for the return of the purchasers, to pick up their purchase; if this difficulty had not been obviated, there would have been no purchasers: a convoy was therefore

<sup>1</sup> Presumably an error for Glanville, see above, p. 78.

<sup>2</sup> Going and returning as required.

<sup>3</sup> At a bloody spear, see vol. viii, p. 165. A spear was stuck into the ground at Roman auctions.

promised to them, and actually granted; and he could prove that the convoy was the *Convert* frigate, Captain Hervey,<sup>1</sup> which was appointed to see the purchasers with their commodities clear of the privateers, by which means the goods got safe into Martinique, a place which our privateers would never have suffered them to reach, if St. Eustatius had remained under the Dutch.—Another circumstance was, that the goods so sold had been disposed of 50 per cent. cheaper than the Dutch had before that sold similar articles to the French; so that, in fact, the only apparent use that the conquest of St. Eustatius appeared to be of, was, that the French and Americans had been supplied with stores, by conquerors, and at 50 per cent. cheaper than they used to get them from the Dutch.<sup>2</sup> The provocation of the English, to confiscate every thing, was merely imaginary; for the Dutch sold equally to all nations: and though it was said in the last session of Parliament, that Sir George Rodney had applied for cordage to the Dutch, but had not been able to obtain any, the reason was, that at the time they had scarcely any on hand. This was a fact; and he would prove it by the books seized there, and by living witnesses, who would also establish these two facts, that at St. Eustatius the English always had the preference at the market; and that at the time Admiral Rodney could not obtain cordage at St. Eustatius, it was so scarce, that what little there was sold at ten per cent. dearer than at St. Kitt's.<sup>3</sup>

In the glorious business of the sales were the two Commanders taken up from the beginning of the month of February to the beginning of May; a period in which the Admiral had 21 sail of the line under his command, and three thousand veteran troops at St. Eustatius, while the enemy had not six sail at Martinique. That surely was the time for offensive operations, when the enemy had not force to oppose us; that surely was our time either to recover some of our former possessions, or to take others from the enemy: but that time was lost; and the first misfortune that sprang from it was, that

<sup>1</sup> John Augustus Hervey (1757–96), styled Lord Hervey.

<sup>2</sup> Burke was repeating information about the sales of seized goods and allegations that vital naval stores had been shipped to the French and the Americans given to him by a merchant who had been at St Eustatius at the time (MS. at Sheffield, Bk. 7. 25). In a speech following Burke's, Rodney contested these charges. He insisted that military stores and provisions were not permitted to be shipped off after the sales. Rigorous checks were enforced to prevent this. The ships that went to Martinique under British escort carried the deported French and their personal possessions, not strategic material (*Parl. Reg.*, v. 92–3).

<sup>3</sup> In the debate of 14 May Germain had repeated Rodney's allegations that the merchants at St Eustatius had refused to supply him with urgently needed cordage. Burke had just been assured by Samuel Curson that allegations that the British were refused supplies were 'far from being the truth, and it is notorious the English were the most favoured people there' (letter of 3 Dec. 1781, MS. at Sheffield, Bk. 1. 1489).



Sir Samuel Hood was left with an inferior fleet, to fight the superior force of De Grasse just arrived from Europe. The position of that Admiral was not such as to prevent four of the enemy's ships in Fort Royal coming out and joining De Grasse: thus the enemy were strengthened, while our force was weakened by the detention of three ships of the line at St. Eustatius. If our fleet had been reinforced by these three, the four which came out from Fort Royal<sup>1</sup> might have been blockaded; and then it is probable Comte de Grasse would have been defeated; but this was lost by St. Eustatius;—a check to de Grasse would have disconcerted all the plans of the French cabinet: Tobago would not have fallen, and de Grasse would not have been left at liberty to bring upon us the dreadful disaster in the Chesapeake; another of the blessed consequences of the conquest of St. Eustatius, which, it had been said in an official dispatch, would have put an end to the American war;<sup>2</sup> it might so indeed!; but in the *oracular* way, by ruining us, and thereby disabling us from carrying it on.<sup>3</sup> God send (said Mr. Burke) that the loss of Jamaica may not be the next effect of this fatal conquest! Tobago was taken under the very eye of Sir George Rodney; as de Grasse expressed himself; and the same Admiral said in his dispatches, he had several times offered the British Admiral battle *de bonne grace* (handsomely), which the latter had thought proper to decline.<sup>4</sup> This might be called a ground of crimination: the first notice Admiral Byng had of a charge against him, was a copy of Monsieur de Galissonniere's account of the action;<sup>5</sup> but as this was, in his opinion, a hardship on Admiral Byng, he would not charge Sir George Rodney from Comte de Grasse's dispatches; but the capture of Tobago gave nevertheless an appearance of truth to the assertion of de Grasse. The capture of that island was of the greatest consequence to this nation: its cotton was the finest we got from the West Indies; and by the loss of Tobago that article had risen from 1s. or 1s. 8d. to 3s. and 3s. 9d. It was a fact that 20,000 people in Lancashire got their bread by the manufacture of cotton. He trembled to think of the

<sup>1</sup> In Martinique.

<sup>2</sup> Rodney believed that without the flow of supplies through St Eustatius 'the American war must have been long since finished' (*Rodney Letters*, p. 19).

<sup>3</sup> Burke's argument that the retention of substantial forces at St Eustatius had adverse effects on operations in the Caribbean and ultimately contributed to the naval failure off Yorktown is one with which recent scholarship generally concurs. The loss of Jamaica that he feared was prevented by Rodney's great victory over de Grasse in April 1782.

<sup>4</sup> Rodney had encountered de Grasse's fleet on 5 June but had been unwilling to risk a night battle.

<sup>5</sup> The first news received in London of the failure of Admiral John Byng (1704–57) to relieve Minorca in 1756 was a dispatch from his French opponent, Admiral Roland-Michel Barrin (1693–1756), Marquis de La Galissonnière. Byng was recalled and subsequently tried and put to death.

consequences that might attend the loss of Tobago, which he must ascribe to the three months delay at St. Eustatius: the Admiral stood charged with that loss, and under the hand of the very Governor of the island.<sup>1</sup>

This was the sum of the charge: he wished that he might have an opportunity to enter into the proofs of it by evidence at the bar: he hoped a proper defence would be made to it, and the two Commanders in question would not sit down contented with their own self-approbation, or the support of their friends in that House. Self-acquittal was not enough: a man might say *Populus me sibilat; at mihi plaudo, et domi nummos contempler in arcâ*:<sup>2</sup> but something was due to the public and to justice. For his part, he declared he never would abandon those whose cause he had undertaken till the matter was sifted to the bottom. The character of an accuser, it was true, was odious; but it was so only when the accusation was brought against the innocent, the weak, the oppressed, or perhaps indigent culprit: but it was not odious to accuse guilt in stars and ribbons; guilt rewarded and countenanced by the official and the opulent.

After Rodney and Vaughan, who were both Members of Parliament, had spoken in their own defence, Henry Dundas urged that Burke should limit his charges to the accusation that stores taken at St Eustatius had passed to the French. This was a charge of 'criminal intention or negligence'. The rest contained 'too much declamation' and were too 'vague and indeterminate'.

Mr. *Burke* replied that he fully accepted the learned Lord's proposal. He would divide the motion into as many parts as he pleased. But to be told that he was a declaimer; did the learned Lord consider it declamation to propose a charge, to mention persons, things, and circumstances, and to pledge himself to produce evidence of each separate particular? The Honourable Admiral had offered it as a palliative for his remaining so long at the island of Eustatia, that he was obliged to remain there to prevent the property seized from being stolen.<sup>3</sup> It was the first time that he heard that such Honourable Admirals and Generals were to be employed in the protection and preservation of stores.—Storekeepers? What was the

<sup>1</sup> Rodney had accused George Ferguson (1748–1820), Lieutenant Governor of Tobago, of surrendering the island without any attempt to resist, just when he was about to be relieved. Ferguson had denied the charge in a letter to the *Morning Chronicle*, 26 Sep. 1781. He asked how a British admiral with 21 ships of the line could have allowed a small French force to besiege an island within 24 hours sail of him for ten days without relieving it.

<sup>2</sup> 'Populus me sibilat; at mihi plaudo ipse domi, simul ac nummos contempler in arca'; The public hiss at me, but I cheer myself when I contemplate the coins in my strong box (Horace, *Satires*, I. i. 66–7).

<sup>3</sup> Rodney had explained that he had remained on St Eustatius to ensure that 'so great a capture to the state' would not be lost by 'a coup de main' by the French.

consequence.—Had not Tobago been stolen by their remaining three months in the island of Saint Eustatia?

It had been objected by the learned Lord, that he had not produced specific charges; he would produce none but specific charges, and those supported by evidence. It was true, the evidence might be false, but for this he was not to answer. He had made the motion in consequence of knowledge obtained from that evidence, which he would produce at the bar of the House, whenever the enquiry should be made; further he could not be answerable; but this he would answer to prove that the Right Honourable Gentlemen (Sir George Brydges Rodney and General Vaughan,) had permitted seventeen sail of stores to be taken from St. Eustatia to the French Islands, and St. Thomas.<sup>1</sup> He averred this could not be done without the knowledge of these Right Honourable Gentlemen. Was not this a specific charge?

But relating to the island being entirely possessed by traders, who lived by furnishing our declared enemies with stores, the learned Lord knew this to be entirely false. He did not mean it as a personal affront; indeed he knew it neither would nor could be so taken. The island had existed as a mercantile country long before we had these natural enemies to contend with.

It was observed that none but moveables had been confiscated. True, they had not taken down the grates of their kitchens, nor torn up the stones of their cellars, but they had seized their merchandize, monies, and stores; however as these were moveables, they were to be seized. As to the motion, he would divide it agreeable to the learned Lord's suggestion; he therefore proposed to order the following division:—That first an enquiry should be made into the confiscation of the goods and merchandize at the taking of Eustatia; and next, an enquiry into the furnishing our declared enemies with the stores on that island.

Later in the debate:

Mr. *Burke* rose again upon the amendment proposed by Lord Mahon,<sup>2</sup> and in the course of it took fire at the charge directed at him by the noble Lord in the blue ribbon, (Lord North) namely, that no man with British feelings could vindicate the conduct of the enemies of his country.<sup>3</sup> The

<sup>1</sup> A Danish island and therefore neutral.

<sup>2</sup> Charles Stanhope (1753–1816), styled Viscount Mahon, later (1786) 3rd Earl Stanhope, had suggested that there should be two motions.

<sup>3</sup> North had said that no one 'who possessed British feelings' could excuse those British at St Eustatius who traded with the enemy.

Honourable Gentleman with a most extraordinary burst of indignation, wondered how the noble Lord dared to talk of British feelings. He! (continued Mr. Burke) He! dare talk of British feelings. He! that has ruined the British empire, and wasted its blood and treasure! The Honourable Gentleman had British feelings, but he would nevertheless take the part of an enemy when they appeared to him to be oppressed. If, for instance, an enemy should be murdered after surrendering himself, he would stand forward as the prosecutor of his murderer. If, for instance, an enemy should have his property seized after capitulating, he should find an advocate in him; and if, for instance, an enemy complained of a Minister's having broke the faith of government with regard to him, he should find an advocate in him, and, he trusted, in the British House of Commons.

The Honourable Gentleman took notice of what had fallen from the Noble Lord in the blue ribbon (Lord North) respecting the letter he received from the Honourable Admiral (Sir George Rodney) acquainting him that the capture of St Eustatia was a very rich one, and that it all, every farthing of it, was the property of the Crown.<sup>1</sup> He could not but admire, that such a minister as we had, who was an OLD MINISTER, and a FULL-GROWN MINISTER, should come to the House, and tell them, that he had received a letter from the Admiral, informing him, that every thing at St Eustatia was the property of the Crown, in answer to the proposed inquiry. From such conduct the Minister might naturally be concluded a very young man, with a large napkin under his chin. The letter he thought more proper to have been sent to the Attorney-General, but he supposed the Noble Lord, who acted on the occasion as a lawyer, and sent word to the Admiral that the property was all his, as the Attorney-General would have done, had taken care of a fee for his advice.

With regard to the question, the noble Lord might do as he pleased with it. He might cut it, and mangle it, just as he pleased, but though he should cut it into a thousand pieces, if he got but any part of it, it would be sufficient for him. But the noble Lord had divided his motion in a manner, that put him in mind of a murderer, when having amputated all the limbs of a child, threw them different ways, in order that the father might be employed in picking them up, instead of pursuing the murderer.

North 'was extremely angry with the Honourable Gentleman'.

<sup>1</sup> An undated draft of Rodney's letter to North, in which he had written that he did not consider himself to be entitled to 'six pence' of the booty; 'it is all his Majesty's', is in TNA, PRO 30/20/22/5, pp. 57-64.



Mr. Burke rose again, and called for the inquiry. He had a body of evidence to adduce at the bar, and would go into the matter that night, or whenever the House should please. He desired the House would suffer the inquiry to be gone into, and would pledge himself that he would support every thing that he had said.

At the end of the debate, a single much-amended resolution was put to the vote: that the House of Commons resolve itself into a Committee of the Whole House 'to examine into the Confiscation of the Goods and Merchandize found in the Island of *Saint Eustatius*, excepting such Goods and Merchandize as are now claimed in any Court of Law or Equity'.<sup>1</sup> The resolution was defeated by 163 votes to 89.

Many of those who had lost property did indeed seek redress through the courts, and their success destroyed any prospect that Rodney and Vaughan might have been enriched by their conquest. Burke persisted with the case of Samuel Hoheb, who was manifestly too poor to resort to an English court, and on 4 February 1782 he persuaded the House to appoint a committee to investigate Hoheb's case. Rodney's spectacular success in defeating de Grasse at the battle of the Saintes on 9 April 1782, however, made it politically impossible to pursue him further. Burke announced in the House on 30 May that he did not intend to proceed with the St Eustatius inquiry, adding that 'If there was a bald spot on the head of a Rodney, he had no objection to cover it with laurels'.<sup>2</sup> His real opinion was, however, unchanged. He wondered at 'the ways of Providence which has hung all these Trophies on such a Post, as we know this Rodney to be, a perfect fool, a compleat Rascal, and (as many think) a Poltroon into the Bargain'.<sup>3</sup>

## Speech on Henry Laurens 17 December 1781

Source: *Parl. Reg.*, v. 184–92, 197.

The version of this speech in *Parl. Reg.* is a conflation of long passages from two newspaper reports, those in the *Morning Herald*, and in the *Morning Chronicle* of 18 December 1781, in roughly equal proportions with small additions and embellishments, a different opening, and omitting a paragraph. This compilation may well have been made at Burke's direction, even though he wrote 'that the newspaper, as usual, has totally misrepresented and distorted almost all that I said. The matters of fact are clumsy and incorrectly stated' (*Corr.* iv. 394). The *Parl. Reg.* version was reproduced in *Parl. Hist.*, xxii. 853–62, 865.

In the closing stages of the American War, Burke was much concerned with the plight of Americans incarcerated in Britain. He took up the cause of conspicuous individuals—Henry Laurens and Samuel Curson and Isaac Gouverneur, the two merchants who

<sup>1</sup> *Commons Journals*, xxxviii. 600.

<sup>2</sup> *Parl. Reg.*, vii. 210. Five years later, Burke was to assure Rodney that, if he 'had entertain'd any personal animosity against Lord Rodney, which he most certainly never did, he should be heartily asham'd to continue it against a person who has rendered such very splendid and very substantial services to his country' (letter of 10 July 1787, TNA, PRO 30/20/21/6, p. 73).

<sup>3</sup> *Corr.* iv. 456.

had been seized in St Eustatius,<sup>1</sup> and also the young painter John Trumbull<sup>2</sup>—but he broadened his campaign to try to secure the release of what may have amounted to some 3,000 Americans, mostly captured seamen, held in British jails. He was given inside knowledge of the grim conditions under which they were incarcerated by a naval officer at the camp at Forton, near Portsmouth.<sup>3</sup> Although in America both sides treated captured combatants effectively as prisoners of war, eligible to be exchanged by contemporary conventions, for the British government to treat those Americans it held in Britain in the same way was unacceptable to it. To do so would imply that they were no longer British subjects but those of an independent foreign state. As rebellious British subjects, they had committed treason, and an act of 1777, renewed each year subsequently, enabled them to be held in specific places without bail.<sup>4</sup> Some were exchanged, but such arrangements had broken down by 1780.<sup>5</sup>

Henry Laurens<sup>6</sup> was by far the most important American to be held in Britain. He was captured when a British warship intercepted the vessel on which he was sailing to the Netherlands. From 6 October 1780 he was confined in the Tower of London. There his health deteriorated and privations were imposed on him by some of the Tower's officials. From 20 October 1781 the *London Courant* began to publish material about his ill-treatment, which caught Burke's attention. He intervened in Laurens's case because he believed both that the small-minded persecution of a distinguished American was discreditable to Britain and that it was squandering what he saw as a chance of establishing a channel for reconciliation. He also hoped through a deal involving Laurens to help his friend General John Burgoyne. Burgoyne was under threat that Congress might require him to return to America to serve his parole, but it was assumed that they would be willing to drop this demand in exchange for the release of Laurens. Burke proceeded both by negotiating with ministers for Burgoyne and Laurens to be exchanged and by raising Laurens's ill-treatment in the House of Commons.<sup>7</sup> Although ministers seem to have been willing to accept the exchange, they insisted that Laurens was not a prisoner of war but was a British subject being held on a charge of treason. He could therefore only be released if he were granted a pardon. This, Laurens told Burke, he would not accept 'on any terms'. He was an American 'prisoner of War' to be exchanged, not a British subject to be pardoned.<sup>8</sup> Burke therefore felt that he had no alternative but 'to bring the whole matter before the publick in my place in Parliament', as he had already given notice that he intended to do. 'This is essential to my reputation and to his.' If the law prevented exchanges, the law must be changed and this would be to the advantage not just of individuals but of the great mass of

<sup>1</sup> See above, p. 107.

<sup>2</sup> Trumbull (1756–1843), later a distinguished American artist, had served as an officer in the Continental Army. He came to Britain in 1780 to study painting, but was charged with treason and confined in the Bridewell Prison for seven months. Burke took up his case. On his release Trumbull thanked Burke warmly for his help (letter of 25 June 1781, MS. at Northampton, A. ii. 13). 'Mr. Burke', he later wrote, 'readily and kindly undertook the negotiation' which ended in his being bailed (*The Autobiography, Reminiscences and Letters of John Trumbull*, New Haven, 1841, p. 78).

<sup>3</sup> Letters of Thomas Wren, 22 June 1781, MS. at Sheffield, Bk. 1. 1446; 1 March 1782, MS. at Northampton, A. ii. 24.

<sup>4</sup> 17 Geo. III, c. 9.

<sup>5</sup> Catherine M. Prelinger, 'Benjamin Franklin and Prisoners of War in England during the American Revolution', *William and Mary Quarterly*, 3rd ser., xxxii, 1975, 261–94.

<sup>6</sup> See above, p. 44, n. 3.

<sup>7</sup> Burke's often difficult negotiations with Laurens can be followed in *Corr.* iv. 383–5, 386–97 and in Hamer *et al.*, eds., *Laurens Papers*, xv. 390–3, 410–16, 422–5, 432–5.

<sup>8</sup> Laurens's Journal, 14 December 1781, *ibid.*, xv. 391.

American captives. Laurens had pressed on him the idea of 'a general exchange'. Burke took up the idea with enthusiasm and committed himself to introducing a bill to make that possible.<sup>1</sup> In giving notice of his intention to bring in such a bill, Burke took the opportunity of speaking at length on behalf of Laurens. He was reported to have been 'on his legs' for an hour and a half.

Mr. *Burke* rose, to give notice of a motion that he intended to make after the holidays, for leave to bring in a bill, relative to the exchange of prisoners of war; and to obviate a difficulty, in the act for the suspension of the Habeas Corpus,<sup>2</sup> which was at once disgraceful and inconvenient to the government of this country.<sup>3</sup>

He was drawn to the consideration of this matter from the particular cases of two characters, cases of a nature totally distinct and different; but which were both attended with striking circumstances of peculiar hardship. The House would naturally perceive that Mr. Laurens was one of the two cases to which he alluded.<sup>4</sup> Under the law which he had mentioned, Mr. Laurens was confined in the Tower; but though it might seem to countenance his commitment, it could not authorise the hardships to which that venerable gentleman was exposed, and the rigours that he suffered in his imprisonment. It might be asked, why he had suffered a matter that had humanity for its pretext, to remain so long uninquied into, after he had declared it was his intention to bring it before the House? In answer to this, he could only observe, that there were strong reasons for his not going on with the business earlier, and that one of the most essential benefits arising from delay, (which was undoubtedly the cause of a variety of evils in opposition to those benefits,) was, that it enabled men to get at a more accurate knowledge of facts, and to tread with greater certainty on the ground they meant to take. It had, he was perfectly aware, been urged against him without doors, and perhaps the insinuation originated with some within, that he felt he had gone too far, that he found his opinion prematurely formed, and that had he attempted to proceed farther, he should have been obliged to retract his charge. It had also been said, that he was rash in proceeding on mere newspaper authority; that it was ridiculous to go upon anonymous letters published in a common newspaper, and that no wise man would, with such unsubstantial evidence, proceed a step farther in a matter of so much moment. In reply, he must say, that the newspaper publications on the subject were not vague, loose, and general;

<sup>1</sup> *Corr.* iv. 393.      <sup>2</sup> 17 Geo. III, c. 9.

<sup>3</sup> Burke had denounced the act in his *Letter to the Sheriffs of Bristol* (vol. iii, pp. 289–99).

<sup>4</sup> Isaac Gouverneur was presumably the other.

that they stated facts circumstantially, mentioned names of men and things directly, and gave dates of time and place with a degree of confidence rarely assumed by fallacy or fraud; that five several correspondent and well connected narrative letters had appeared upon the subject, and that the whole taken together, amounted to a printed charge, sufficiently respectable to warrant his or any other reasonable man's proceeding upon it.<sup>1</sup> But the truth was, he had directly made no charge whatever respecting the case of Mr. Laurens; he had only declared his intention of moving for that worthy, enlightened, and respectable character to be brought to the bar by the Lieutenant of the tower;<sup>2</sup> in order to have the House ascertained in the circumstance, whether he had been ill-treated or not. When he fell into the hands of the promising young officer who took him, (Captain Keppel)<sup>3</sup> he was treated by him with every mark of distinction, which could be suggested to him, by a memory of what his prisoner had been, and what he then was; he treated him like a man who had been at the head of the greatest common-wealth on the face of the earth; like a man who was then invested with the character of ambassador from that common-wealth; he called it the greatest common-wealth on the face of the earth, upon the principle of Zanga, who, speaking of Alonzo, said, "great let me call him; for he conquer'd me:"<sup>4</sup> America had beaten Great-Britain, according to the avowal of a right honourable member, (Mr. Rigby) who, zealous as he had been in the American war, had confessed that we had been beaten.<sup>5</sup> But no sooner had Mr. Laurens arrived in London than he found himself treated in a very different manner; not as a prisoner, whom the chance of war had thrown into our hands; but a traitor; and as such was committed to the Tower: his treatment there was of the most rigorous nature; kept a close prisoner, he was not indulged with the comfort of seeing his relations, and his family, till that indulgence had been purchased by those relations, by submitting to the mortifications of repeated and insulting denials. The use of pen, ink, and paper was with-held from him for three months; for the people in power, to whom his request for these articles had been referred, delayed giving him any answer for three months; at the end of that

<sup>1</sup> Burke is referring to a series of letters and paragraphs that had appeared in the *London Courant*. According to Laurens, what was published in the *Courant* was 'in every material substantial Article true' (Hamer *et al.*, eds., *Laurens Papers*, xv. 413–14).

<sup>2</sup> General Charles Vernon (1719–1810) was Lieutenant Governor of the Tower.

<sup>3</sup> George Keppel (d. 1805); see *Corr.* ix. 65–6.

<sup>4</sup> Edward Young, *The Revenge*, act I, scene i.

<sup>5</sup> Burke seems to be referring to a speech on 27 November 1781 by Richard Rigby (1722–88), see *Parl. Reg.*, iii. 529–34.



period, he was so far allowed the use of pen, ink, and paper, as to be permitted to draw bills upon some persons, with whom he was fortunate enough to have had some connections before the contest begun, and who owed him money. But prior to this last indulgence, Mr. Laurens's case had been truly deplorable. It was a vulgar opinion, and one which he himself (Mr. Burke) among many others, had always entertained, that a person confined in the Tower as a state prisoner was allowed a subsistence, or a table of some sort, by the state: but if such a thing was allowed in general, it was not Mr. Laurens's good fortune to have felt the benefit of it; for no allowance whatever of that nature was made to him; and what was most extraordinary, while government refused to supply him with the necessities of life, they would not permit him to write so much as to draw a bill upon the merchant, who would have supplied him. A very extraordinary occurrence happened at the same time, which might be truly termed barbarous; for while, the venerable old man was refused the use of pen and ink, even for the purpose of procuring the necessities of life, a bill was presented to him for fees to the amount of 99*l.* 10*s.* The means of paying such a bill were first with-held, and then the prisoner was called upon to pay it: the effect this produced upon Mr. Laurens was, to make him laugh, and treat the whole very ludicrously, saying to the man who presented the bill, "Friend, I believe I shall be obliged to quit my lodgings, for really they are too dear for me; I cannot afford to pay so high for them." Thus it was that this good man was able, from his own greatness and fortitude of soul, to rise above those who only meant to tease and insult him.

In the early part of the war, the conduct of administration, was not so rigid towards the Americans, who were brought prisoners into England, as to confine them, without ever admitting them to be exchanged or released; Ethan Allen had been brought to England in irons; but he was sent back without irons, and exchanged in America.<sup>1</sup> This would have been the case too, perhaps, with Mr. Laurens, had not a new project been started, for narrowing the scale, upon which the king's pardon was to have been granted to those who had opposed his government; then it was, that the idea of giving Mr. Galloway, and other refugees, American peerages, was first conceived; and their ermines were to arise from the confiscations to be made by government; Mr. Laurens was the first who felt the effects of this

<sup>1</sup> Ethan Allen (1738–89), leader of the Green Mountain Boys at the taking of Fort Ticonderoga in 1775, had been captured in Canada. He had been taken to Britain and imprisoned there, but was taken back to British-held New York, where he was exchanged for a British officer in 1778.

pernicious counsel;<sup>1</sup> and ministers were glad to have it in their power to ill treat a man, who was sitting on the throne of sovereignty, at the head of the Congress, when this country sent over ambassadors to that Congress; and who bowed so low as to ask even for leave to see, and mix with the worthy characters of America, superior to those of Greece and Rome; for such was the language and the behaviour of one of the commissioners whom they sent.<sup>2</sup>

But was the ill treatment of Mr. Laurens in the Tower consonant to sound policy? Was it prudent to sour the minds of the Americans against England by the ill usage of their great and respectable president; was it politic to make him think ill of England? Ill usage might do it, but nothing else could; for he carried his love for this country, even to doting; he had sent his children to receive their education in it, and to learn to love this country;<sup>3</sup> he had long opposed the disunion of Britain and America; and if any thing set him ill with his countrymen, it was the opinion they entertained, that he was too well affected to the interests of England. Instead therefore of treating him with barbarity and indignity, ministers should have blessed heaven, that such a man had fallen into their hands; that they might avail themselves of his good will towards this country, in negotiating with America; but their souls were too narrow; the gratification of their resentment was of too great consequence to them to be postponed to the interests of the state, and they had rather insult, and treat with brutal cruelty, than soothe and conciliate by kind usage, a man of the greatest penetration, the soundest judgment, and the most liberal mind of any man perhaps upon the face of the earth: Such was the man ministers oppressed; overwhelmed with the gout, and labouring under a complication of complaints occasioned principally by the hardships of his confinement, ministers could still view him only as an object for persecution; so that the Turk, the savage Arab, the cruel Tartar, or the piratical Algerine, when compared to our ministers, might be thought humane. The great incurable and fundamental error of that act, to alter the regulations established by

<sup>1</sup> Laurens's property, along with those of other South Carolina patriots, was sequestered in October 1780 and his plantation house was burnt, but Burke's suggestion that the proceeds of such sequestrations were intended to enable loyalists such as Joseph Galloway (1731–1803) to support peerages seems fanciful.

<sup>2</sup> George Johnstone (c.1730–87), one of the commissioners, had written in a private letter to Laurens that he hoped that 'I may be permitted to see the Country, and the worthy Characters she has exhibited to the World'. His letter was published in the *Pennsylvania Gazette* and reprinted in the British press (e.g. *St James's Chronicle*, 8–11 Aug. 1778).

<sup>3</sup> For the Laurens family in England, see J. Flavell, *When London was the Capital of America*, New Haven and London, 2010.

which, was the purpose he aimed at, was that it made no distinctions, such as wisdom and justice required; it did not point out the great and active instruments of criminality, but was confined solely to distinctions purely geographical. Thus it depended not on the enormity of each captive's suspected guilt, but on the place where he was taken, and the place to which he was conveyed, whether he should be considered as a traitor, a pirate, or a mere prisoner of war.<sup>1</sup> It was to put justice on a more equal footing, to level distinctions which had their origin in oppression and barbarity, and to render the prisoners of war taken by this country certain of having the severity of their fate softened, and made somewhat tolerable, by that tender and mild treatment which all civilized belligerent powers made the rule of their conduct during a time of hostility, that he should move for leave to bring in the bill, as its principal and most general ground of necessity.

The next point which rendered him the more anxious for the bill he intended to bring in, was, in order to correct certain abuses, which were practised by ministers in the exercise of that power, which they either of right possessed, or which they claimed, in the disposition and treatment of persons seized by virtue of the act in question, or who might become prisoners during the American war. The act, at present in being, was in this point of view confined in its principle, and productive of the worst effects. In America the prisoners were exchanged upon an equal and a liberal principle; the spirit of the law operated there in a manner just and honourable. Change, however, the situation, and the effect of the same statute instantly varied. If persons were taken at sea on the American coast, and carried into New-York, from the officers of any vessel, down to the common sailor, they were sure of receiving every possible indulgence, and every stretch of that civility and that humanity which, till the present war, had at all times been the glorious characteristic of the British nation.<sup>2</sup> On the contrary, when American prisoners were brought here, they were not suffered to be free as prisoners of war on parole, but were either sent to confinement under commitments as pirates, or on a charge of high-treason. What he meant at the proper time to contend for, was, that Mr. Laurens was entitled to his freedom, on parole, as a prisoner of war; that he ought not to have been committed to the Tower or any other place of confinement, much less that he ought to have been made a close prisoner, and

<sup>1</sup> Captured Americans in Britain were treated as potential traitors; in America as prisoners of war.

<sup>2</sup> The conditions under which Americans were held at New York were notoriously harsh.

treated with the unexampled rigour and severity which he had all along experienced. He knew perfectly well, that it might be urged, that the secretary of state had grounded his conduct on the authority of an act of parliament, and that ministers had strictly adhered to law in all their treatment of Mr. Laurens.<sup>1</sup> Was this any answer? were ministers, in whose hands the wisdom and justice of the nation were entrusted, whose duty it was to support the national character on a broad and liberal footing, to descend to become lawyers and pettifoggers! were they to act on that narrow scale which a Middlesex magistrate, a Westminster trading justice, an Old Bailey solicitor, or a bailiff's follower, would hold themselves tied down to? he was convinced great statesmen would feel it to be their duty to act in a very different manner. But Mr. Laurens had experienced such treatment,—he had been denied the only, and the best comforts of the human heart in the moment of distress, the sight and frequent visitation of his nearest and dearest relations; even his own son<sup>2</sup> had not had access to him, but in the sight and presence of a warden. Nay more, he had been imposed on, and though denied allowance from government, had been expected and called on to pay the most exorbitant demands, under the name of fees. How different was the treatment of prisoners of state in the Bastille? there though looked on as the horriddest jail of a despotic and arbitrary government, the provision was ridiculously grand, considering the supposed guilt of those to whom it was served up.<sup>3</sup> All that justice, all that repeated requisitions founded on principles of the clearest reason could not effect, Mr. Burke said, had of a sudden been brought about by a star, that had risen, not in the East indeed, but in the West, and warned ministry of the danger of their longer persevering in their unmanly, resentful, and rigid treatment of Mr. Laurens. This was no other, than news arriving, that Mr. Laurens's son, a brave, a worthy, and a polished officer in the American service,<sup>4</sup> had Lord Cornwallis in his custody, and that his treatment of his noble prisoner was directly the reverse of the treatment experienced by his father, who was then locked up in a prison, of which Lord Cornwallis was governor. The moment advice of this circumstance reached the ministers, they became as full of civility to Mr. Laurens as

<sup>1</sup> Burke had been told that Lord Hillsborough, the Secretary of State, insisted that Laurens could only have his status changed from 'State prisoner to a prisoner of war' by being granted a pardon, which Laurens would not accept (*Corr.* iv. 390).

<sup>2</sup> One of Laurens's sons, Henry Laurens Jr. (1763–1821), remained in Britain throughout the war.

<sup>3</sup> The Bastille was a state prison in Paris. Burke was to have much to say about it after its storming in 1789.

<sup>4</sup> Colonel John Laurens, see above, p. 103.



before they had been full of severity. But he was authorised to say, that Mr. Laurens would sooner starve, or undergo any distress the human frame was capable of supporting itself under, than be obliged to men, who had treated him so extremely ill. Mr. Laurens, he said, was naturally of a mild, meek, and humble disposition; but the injuries he had endured, had roused his feelings to resist them, and he now confessed himself to be, what he had never believed he could be, a proud man!

He now came to the third point, on which he rested his proposed bill, viz. that other part of the abuses practised by ministers, respecting the treatment which those British officers, who had the misfortune to be taken by the Americans experienced at their hands. In August last, he said, he learnt that Congress had demanded General Burgoyne as their prisoner. He had not formerly been in the habits of intimacy with the general, but of late he had conceived the highest esteem both for his public and his private character; and what led him to entertain that esteem was, his having seen the General force an inquiry into his conduct in that House, in spite of every opposition from ministers, who dreaded it, and who took care to render it as ineffectual as possible;<sup>1</sup> and likewise from the whole tenor of the General's conduct, which shewed him to be a man of the strictest honour and the most rigid integrity, since he had with a manly spirit abandoned and resigned all the fair professional emoluments and rewards of a long life of service, rather than submit to feed the resentment and revenge of his enemies, who, wished to destroy his reputation, and render his life miserable. Some time ago, an order had been issued from the army-office, for that general to return to his army in America: it was very well known that the honourable gentleman, in the then state of his health, would look upon such an order rather as an intimation to resign his military honours, the earnings of long service, than really to set out for America, where his presence could not be of any use: his own pride soon moved him to give up what he thought was all that was desired of him; and when ministers had got what they wanted of him, he heard no more from that quarter about going to America:<sup>2</sup> but he soon heard of it from another quarter; for Congress, finding that the ministers of Great-Britain

<sup>1</sup> Burgoyne had initially been refused a parliamentary inquiry after his return from America, but had been granted one in May 1779. It ended indecisively, although it gave Burgoyne many opportunities to condemn the way in which ministers had conducted the war.

<sup>2</sup> Burgoyne had been ordered to return to America in June 1778, but had pleaded ill health. The order was repeated in September 1779. He refused and resigned the colonelcy of his regiment and his office of Lieutenant Governor of Fort William in Scotland, both of which had given him a considerable income. Thereafter he was closely aligned with the parliamentary opposition.

would not, upon any terms release Mr. Laurens, had required General Washington to summon General Burgoyne to return to America, and save his parole. When this was urged to Sir Henry Clinton,<sup>1</sup> that officer entered into a treaty for the release of General Burgoyne: but as the latter was a lieutenant-general, and there was no officer of that rank in the American army, our commander in chief could not of course exchange him for an officer of equal rank; he therefore entered upon terms for his release; and it was agreed that one thousand and forty men should be given for his ransom. This, he said, he regarded as a fair estimate; it was taking a quantity of silver for a piece of gold, and it was an honest exchange. It happened, however, that ministers had contrived to render the proposed exchange impracticable, and that by this means. There were a number of men, who surrendered on capitulation to the British arms at the Cedars early in the war. That capitulation Congress refused to ratify, and in every exchange of prisoners that had taken place since, had uniformly put the Cedar men aside, regarding them as so many Birmingham halfpence, and refusing to acknowledge them other than as base metal and coin of no value.<sup>2</sup> The commander in chief persevered in his offer of those men in part of the one thousand and forty; and Congress persevered in refusing them; so that no release having taken place, and no release being intended probably on our side, as such men were offered, the consequence that must ensue, was that general Burgoyne must in discharge of his parole, return to captivity, if something should not be done to prevent it. This state of facts coming to his (Mr. Burke's) ears, he resolved to try what he might possibly effect by private friendship: he therefore wrote over to Dr. Franklin upon the subject, resuming in a distant manner a correspondence which had been interrupted by necessity, not choice; requesting that he would use his credit with Congress to make them desist from their requisition that general Burgoyne should return to America. The Doctor soon answered the letter, in which he observed, that "since the foolish part of mankind could not settle their disputes without wars, it was the duty of the wise part of mankind to use their endeavours to alleviate those misfortunes that attend wars." After several compliments personal to Mr. Burke, and which that gentleman in reading the letter passed over, he acquainted him, that

<sup>1</sup> (1730–95), Commander-in-chief in North America from 1778 to 1781.

<sup>2</sup> Birmingham was a notorious centre for counterfeit coins. The Cedars men were Americans captured near Montreal in Canada at the battle of the Cedars on 19 May 1776. They were handed back to the Americans by a British officer, allegedly to save them from Britain's Indian allies, on condition that an equivalent number of British soldiers be released. Congress rejected the agreement.

he had not heard of the order of Congress, for general Washington<sup>1</sup> to summon general Burgoyne to return to America; but he was of opinion, that if any such order had been issued, that it was in retaliation for the British minister's refusal to release Mr. Laurens. He then informed Mr. Burke, that before he had closed his letter, he had received dispatches from Philadelphia, with a resolution of Congress of the 10th of June last, authorising him to exchange general Burgoyne for Mr. Laurens; and the Doctor saying that he had no communication with the ministers of the court of St. James's, requested that Mr. Burke would negotiate the business for the common sake of the General and Mr. Laurens.<sup>2</sup>

He gladly undertook the business; waited on some of the friends of ministers; but was surprised to get for answer to his proposal, that general Burgoyne was actually exchanged, and of course no longer a prisoner.<sup>3</sup> This information surprised him indeed, because it was false, and must be false; as it was not possible, that Congress having resolved that general Burgoyne should be exchanged for Mr. Laurens, should enter upon any treaty for his release, till they should first learn what had been the issue of their commission on that head to Dr. Franklin. It was therefore only sporting with the feelings and misfortunes of that General, to say that he was exchanged: the cruelty of ministers in first ordering him to America, and persisting in that order till they had stripped him of every military honour and reward of his services, except his rank of lieutenant-general, could be equalled only by their barbarity in leaving him now exposed to the mercy of Congress, by refusing to exchange him: for it was refusing to exchange him when such men were offered in exchange, as it was well known the Congress would not take. Mr. Burke then stated the cause of the dislike ministers had to general Burgoyne to be, that he had exposed the absurdity of all their reasonings upon the number and fidelity of the friends to this country in America; for this he had been persecuted; for this he had been denied a court-martial; for this he had been denied every means of vindication, till in that House, by irrefragable testimony of the first men

<sup>1</sup> George Washington (1732–99), later first President of the United States.

<sup>2</sup> For Burke's letter of 15 August 1781 and Franklin's answer of 15 October, in which he had assured Burke that he 'had always stood high in my Esteem, his affectionate Concern for his Friend renders him still more amiable, and makes the honour he does me of admitting me of the Number, still more precious', see *Corr.* iv. 362–5, 378. Burke's public profession of his friendship and admiration for Franklin was to be denounced later in the debate and on other occasions.

<sup>3</sup> Apparently unknown to Burke, an agreement for the exchange of Burgoyne had, as Germain stated in the debate (*Parl. Reg.*, v. 195), been concluded with the Americans (K. G. Davies, ed., *Documents of the American Revolution 1770–1783*, 21 vols., Shannon, 1972–81, xix. 194, 255; xxi. 28).

among the nobility of this country, and of its first military characters, he had established his reputation; and for his own part, he looked upon general Burgoyne as one of the most able, if not the most able officer in our service. He said, he hoped ministers would now take care how they should discover their disposition, if they should offer to exchange Lord Cornwallis, also a lieutenant-general, for Mr. Laurens, having refused to do it for general Burgoyne.<sup>1</sup> He concluded by giving notice, that after the recess, he would move for leave to bring in a bill to regulate the future exchange of prisoners of war.

The principal speakers following Burke were North and Germain for the government and General Burgoyne. There was an intervention by Lord Newhaven,<sup>2</sup> who said that he could not believe his ears that a Member had read out a letter from 'an open and avowed rebel'. He felt that the offender should be 'sent to keep company with Mr. Laurens in the Tower'.<sup>3</sup>

Mr. *Burke*, alluding to what Lord Newhaven had said about being sent to the Tower, said, he was not rich enough to occupy apartments in the Tower; such a prison was better adapted to the rank and fortune of the noble Lord; however, if in the Tower, he (Mr. Burke) could enjoy the company of such men as Mr. Laurens and Dr. Franklin, he should not at all regret being shut up from the company of the noble Lord.

The motion that Burke be given leave to introduce his bill passed unopposed. On 20 December, on the last day before the Christmas adjournment, Burke presented the Commons with a petition to them from Laurens which he said that he had hoped that he would not have to produce had his negotiations with ministers been successful. It was received and permitted to lie on the table unread, a sign that it was not favoured by the House.<sup>4</sup> Laurens's case was, however, progressing towards a favourable outcome. A medical report on his deteriorating health in the Tower was forwarded to ministers, who 'expressed themselves with such tenderness regarding Mr Laurens's present painful and dangerous state of health', and were finding a legal escape. It was pointed out to them that a judge could bail Laurens in response to a writ of habeas corpus. No lesser judge than Lord Mansfield<sup>5</sup> did this on 31 December. Laurens found him 'very condescending', even though Laurens responded to the words 'Our Sovereign Lord the King' with 'not my Sovereign Lord'.<sup>6</sup> Laurens was free to go to Bath to restore his health. He was later exchanged for Lord Cornwallis.

<sup>1</sup> Cornwallis was eventually to be exchanged for Laurens.

<sup>2</sup> William Mayne (1722–94), 1st Baron Newhaven.

<sup>3</sup> *Parl. Reg.*, v. 194–5.

<sup>4</sup> *Parl. Reg.*, v. 245–6. Burke had proposed the course of petitioning the Commons to Laurens. With some very well-justified misgivings as to how it might be received in America, Laurens drew up the petition. For Laurens's draft, dated 1 December 1781, see Hamer *et al.*, eds., *Laurens Papers*, xv. 456–7; for the final version, see *Commons Journals*, xxxviii. 629.

<sup>5</sup> William Murray (1705–93), 1st Earl of Mansfield, Lord Chief Justice.

<sup>6</sup> *Laurens Papers*, xv. 394–5, 397.



Although he was not directly responsible for securing Laurens's release, Burke had done much to publicize Laurens's cause and had earned his commendation as 'our sagacious and diligent friend'.<sup>1</sup> Burke had also succeeded in establishing the mechanism for the exchange not only of Laurens but of a large number of American seamen and other captives. On 4 March Burke introduced a bill 'for the better detaining and more easy exchange of American Prisoners' in Britain. They were now to be treated as prisoners of war. This was undoubtedly his handiwork, as its use of the concepts of 'the Custom and Usage of War and the Law of Nations' seems to indicate. Drafts of it, one in his hand, survive in his papers.<sup>2</sup> In the dying days of the North administration the bill passed quickly and without opposition. On 19 March it received its third reading and Burke took it to the House of Lords.<sup>3</sup>

## Hints of a Treaty with America [ante 20 March 1782]

Source: MS. at Sheffield, Bk. 27. 219.

This memorandum, consisting of three pages in Burke's hand and endorsed by him 'Hints of a Treaty with America', cannot be dated with any precision. It was clearly written in the closing stages of Lord North's administration.

The Rockingham party had resolutely opposed the American War. But, as this memorandum shows, their ideas on what the connection between Britain and America might be after the war were entirely unrealistic. They were sure that America could not be coerced into remaining within the empire, but assumed that, when what they regarded as a genuinely Whig administration took office, Americans would voluntarily accept the restoration of close constitutional and economic links with Britain. Such a view was deeply flawed. Americans were by now suspicious of all British politicians; the opponents of North did not enjoy their confidence. George Washington considered that no British politician had 'An idea of American independence on its true principles . . . ; but an idea of reconnecting us with the British nation, by dissolving our connection with France is too prevalent'.<sup>4</sup> Americans wished to restore full commercial access to the British empire but in other respects they had no desire whatsoever to be reconnected.

That this Empire unhappily divided into two adverse parts at present, it is the Interest and ought to be the wish of both to reunite.

That it is the permanent interest of both, to prevent either part from weakness, or fear, or jealousy, or any other Cause from being ever dependent, more or less upon France.

That the Connection between England and America is *natural*; from all the Sources of connexion; that of France with either is not so.

<sup>1</sup> Ibid., xv. 420.

<sup>2</sup> MS. at Sheffield, Bk. 6. 103 a and b.

<sup>3</sup> 22 Geo. III, c. 10.

<sup>4</sup> J. C. Fitzpatrick, ed., *The Writings of George Washington*, 39 vols., Washington, DC, 1931-44, xxiv. 228.

It had been desirable, that the original connexion should never have been interrupted; and that they had mutually respected, without having actually tried each others strength.

Each party feels the other; we that America is not to be conquered. They that England is not a power to be provoked with impunity; and without bringing infinite calamities upon the country with which she is <engaged>.

The knowledge of our mutual power of serving, and of hurting each other, becomes a ground for a rational and permanent connexion.

That our old affections may be revived and endeavours ought to be mutually used for that purpose.

That there [are] a great Number; and among that number very considerable people, who have always had the most cordial regards for America; and on that account have suffered a total proscription from Court and no slight temporary unpopularity from the nation.<sup>1</sup>

That these people, commonly called the Whiggs, have ever been favourable to the universal freedom of the Empire; and have desired the subordination of any part no further than has appeared to them necessary to that perfect Union of the whole which is and has been at all times their first and dearest Object.

If that union, now unhappily broken by measures in which these persons have not had the smallest share, can be restored by that party, which they do and have opposed, forgetful of every other consideration, they will give them, an honest support, in any plans that may be mutually agreed upon between the Ministry and the Congress of America. This mode of Treaty they conceive to be attended with one capital advantage; that the Enemies of America are in power here; and have therefore the means of proposing such terms of accommodation as they can immediately execute.

But if America should be so irritated in the present instant or so doubtful of a perfect security in future, from a reconciliation patched up on Necessity, then they ought to look to some other people *here*; if they wish to make or preserve any Terms with England.

On what footing, or on what concessions, Ministry mean to treat is not known. Both The position, and the Terms, on which the Whiggs will treat, (If they should be found in a condition to treat at all) are perfectly known at least in the principal Terms.

<sup>1</sup> 'That if America is determined to preserve an *absolute* independency at all Events: and [make] it the conclusion as well as the beginning of any Treaty, it will certainly be somewhat' deleted.

<Vizt.> They are not inclined for the present to controvert the independency of America as a *situation*. She is *de facto* independent, and there is attendant on so great a misfortune one advantage that she is in a *posture* in which she *can* treat and in which there is no dispute that her stipulations are perfectly obligatory. This is the publicly declared opinion of the D of R<sup>1</sup> in the House of Lords and of Mr. Fox and Mr. B. in the House of Commons.<sup>2</sup> But the Whiggs wish to treat on that *footing*; not to continue a separation, but to reproduce a connexion suitable to the Nature and circumstances of things.

As to the Terms, if many of us were to settle them, the negotiation would be very short. The Terms would be just what America, no longer irritated, should think best for her own advantage. Because we are very clear that such would not differ essentially from those which Great Britain for her own sake ought to desire.

But America, if she really wishes a reunion with England, must consult the Credit of her friends in their own Country. If they should make what is called a *bad peace*; they will be for ever disgraced and will lose that authority, which is necessary to preserve them as a strong bond of connexion between the two countries.

Therefore it would be advisable that Am[erica] should yield something to us—such as, first a recognition of the Sovereignty of the King; for this Country being essentially Monarchical, there is no other way of uniting its members, but under the Supremacy of the Crown.

2nd. Some marked preference which might be more than returned in Trade, and as near as Circumstances can permit, to the Act of Navigation.<sup>3</sup> This Act is much the favourite of people here, and would not be so

<sup>1</sup> Charles Lennox (1735–1806), 3rd Duke of Richmond.

<sup>2</sup> From 1778 the Rockinghams had abandoned their commitment to British sovereignty over America as expressed in the Declaratory Act of 1766 (6 Geo. III, c. 12). On 14 December 1778 Burke had stated that 'the Independency of America' was no longer 'a matter of choice, . . . it was now become a matter of necessity'; Parliament should recognize this (vol. iii. 394). For similar statements by Richmond and Fox, see *Parl. Hist.*, xix. 842, 1082–3. Yet, as Burke's memorandum showed, the Rockinghams continued to make a clear distinction between accepting America's practical independence, as a basis from which negotiations must be conducted, and any formal recognition of independence as permanent and irrevocable, which they hoped to avoid.

<sup>3</sup> At the end of the war, Burke was reported on a number of occasions to have advocated the complete dismantling of the Navigation Act. On 2 May 1782, for instance, he said that the act 'ought to be wholly repealed; for though it had once been deemed the support of our trade and of our navy, the state of affairs all over Europe was so altered, that at present it produced for us nothing but inconveniences' (*Parl. Reg.*, vii. 106). Another version of this speech recorded him as urging 'a total repeal of the Navigation Act' as 'a preparatory step to a Peace with America' (*Morning Chronicle*, 3 May 1782). See also comment on 4 April 1781 in debate on Portuguese trade (*St James's Chronicle*, 3–5 Apr. 1781). But he seems, as here, to have settled on substantial modification of the act, especially towards America, rather than repeal.

disadvantageous to America as it is commonly thought. But this would admit of many improvements.<sup>1</sup>

4. Some sort of contingent of men, Ships, Money &c. in case of foreign Wars. This would reconcile the minds of people here to the separation. Perfect satisfaction would be given, as to any or all of the acts of Parliament, whether enacting or declaratory. At present they are suspended and the authority of the Crown and Parliament suffer a sort of *discontinuance*. So that what is to be done with regard to the <operation> of these acts, must arise rather from the New Treaty, than from the Obligation of the antient Laws. The Business of Taxation would not admit the least dispute. An amicable Spirit would soon settle every thing.

In a word this is the Spirit in which the body of the Whiggs would treat. But if any others can treat in a more successful manner they have their best Wishes; being far more anxious for this union at any rate than for any personal or party advantage.

The peace was eventually to be made by Lord Shelburne. Although he was as strongly committed to some form of 'reunion' with America as were Burke and his allies, he could not persuade the Americans to make what British opinion would regard as any significant response. Burke criticized the treaty for 'making the most important concessions on our part, without the smallest balance or equipoise to support that reciprocity'.<sup>2</sup> His sense that the Americans had frustrated his expectations of them and possibly also a feeling of their ingratitude for all the efforts made on their behalf by the opposition, probably contributed to Burke's apparently low opinion of the republic in its early years, at least until the enacting of the Constitution.<sup>3</sup> On his first visit to Britain in 1783, John Adams<sup>4</sup> reported that 'Mr. Fox and Mr. Burke have quite as little good will towards America as my Lord North or my Lord Mansfield'.<sup>5</sup> Closer acquaintance with both men as American ambassador in London from 1785 to 1788 did not make him alter his opinion.

## Speech on Fall of North's Ministry 20 March 1782

Source: *Parl. Reg.*, vi. 501-3, 504-6.

The *Parl. Reg.* combined extended passages from the account in the *Morning Chronicle*, 21 March 1782—the longest newspaper version—with shorter passages from the *Morning Herald*, 21 March 1782, used together with some additional material, especially for the second speech. *Parl. Hist.*, xxii. 1224-6, 1227-9 follows *Parl. Reg.* with some minor variations.

<sup>1</sup> '3rd a kind of Final appeal to Judicature here' deleted.

<sup>2</sup> See below, p. 160.

<sup>3</sup> See below, pp. 167, 365.

<sup>4</sup> (1735-1826).

<sup>5</sup> R. J. Taylor *et al.*, eds., *The Papers of John Adams*, Cambridge, Mass, 1977-, x. 423. Mansfield, the Lord Chief Justice, had strongly supported coercive policies towards America.



In the weeks following the news of the defeat at Yorktown, the parliamentary support of the North administration began to erode as more and more members became convinced that the war in America was unwinnable. North had no room to manoeuvre since the King would not permit him to seek peace. Particularly vulnerable ministers were forced out and on 27 February 1782 a resolution forbidding offensive operations in America was passed against the government. On 15 March a motion of no confidence in the ministry was narrowly defeated and another one was known to be imminent. On 20 March Lord Surrey<sup>1</sup> was to move that 'it is not for the interest of this country . . . that the management of the public affairs should continue in the hands of his Majesty's present ministers'. In expectation of the overthrow of the government, the Commons was packed; in the view of a newspaper reporter, 'The House was perhaps the fullest known since the resignation of Sir Robert Walpole'.<sup>2</sup> Before Surrey could make his motion, Lord North intervened. To prevent the government from being forced out of office, he announced that it would voluntarily resign. '*His Majesty's Ministers were no more*', he said.<sup>3</sup> He reiterated that 'Those persons who had for some time conducted the public affairs were no longer his Majesty's ministers'. Their successors should be appointed as soon as possible. Burke intervened in the confused debate that followed.

Mr. *Burke* said, that that was not a moment of levity or exultation; he regarded it with a calmness of content, a placid joy, a serene satisfaction; he looked forward with fear and trembling; but the present was a moment of great awfulness, and every gentleman who expected either to form a part of the new administration, or intended to support it, ought to question themselves, examine their own hearts and see, whether they had been acting upon principles that were strictly right, and upon which they could continue to act in power, as firmly as they had continued to act upon them, while out of power. If, upon such an examination, any gentleman found he could not, that man, be he whom he would, ought not to accept of power. The present, he farther said, was that peculiar period of men's lives, when their ambitious views, that had lain secretly in a corner of their hearts, almost undiscovered to themselves, were unlocked, when their prejudices operated most forcibly, when all their desires, their self-opinions, their vanity, their avarice, and their lust of power, and all the worst passions of the human mind were set at large, and began to shew themselves. At such a time, let men take care what they did, how far they went, and what limits they prescribed to themselves; and let those also who did not wish for power or place, examine what their duty was, and how far they ought to act in future, so as to preserve a perfect consistency of conduct. A great deal of most astonishing eloquence had been heard within those walls, and men of the first and rarest talents had exerted themselves extremely to bring

<sup>1</sup> Charles Howard (1746–1815), styled Earl of Surrey, later (1786) 11th Duke of Norfolk.

<sup>2</sup> *Gazetteer*, 21 Mar. 1782. Walpole had resigned on 11 February 1742.

<sup>3</sup> *Parl. Reg.*, vi. 492.

about, what the noble Lord in the blue ribband<sup>1</sup> had that day declared was near at hand. But neither the abilities of the one, nor the eloquence of the other description of persons, had tended so much towards the accomplishment of that which was near at hand, as the spirit of the people, and the conduct of the independent members, who best spoke that spirit.<sup>2</sup> They had seen for a length of years the system of corruption going on, and they had seen it with melancholy minds; for, from the immense power of that corruption, from the towers with which it was surrounded and fortified, they saw no hopes of ever being able to overthrow it. For a long time therefore, they were inactive by dejection; they were rendered submissive by despair;<sup>3</sup> and this fatal torpor gave new and additional strength to the enemy, it gave them the most delusive advantage of all others, the appearance of stability, by which the weak were seduced to join them, and the wicked were confirmed. When you were thus erroneously and criminally negligent, they were safe, but when at length, urged by the accumulated distresses of your country, when you saw that there was no benefit to be expected from patience, and that there was even no prospect from hope, you aroused from your lethargy, and testified the force of independence. When you joined together with due voice, one mind, and one action, you found that that which lived only by your submission, sunk instantly beneath your attack. He begged them, therefore, to recollect what their conduct had been hitherto, what their conduct had principally accomplished, and what ought to be their conduct in future. The removal of ministers was one great point gained; but the end that every lover of his country must look up to and ardently desire, was not by any means atchieved in the mere removal of ministers. Much and the most essential part of the work remained to be performed, and nothing could ensure the completion of the business, but the steadiness of that House, and above all, the firmness of the independent members, the new administration was the work of their hands; it was their duty to give it that support, without which it would be impossible for it to subsist. There was a certain fatality attending human nature, which very often defeated the best purposes; for

<sup>1</sup> Lord North.

<sup>2</sup> It was a warning by a body of country gentlemen, led by Thomas Grosvenor (1734–95), long-standing M.P. for Chester, that they would no longer support the ministry that determined North to resign.

<sup>3</sup> This was a line of argument which Burke did not consistently uphold. From early in the war he had been convinced that public opinion had favoured it and that the support which the Commons gave the government reflected this. On many future occasions he was to assert that the war had been popular in order to controvert the argument of parliamentary reformers that the war had been sustained by an unrepresentative Commons.

the greatest virtues were generally accompanied with very great defects; independence and public spirit were attended with indolence and supineness; and those gentlemen who had effected the great change of ministers might lose all the benefits, which might have been expected, by indolence and inactivity: their support should be zealous and unremitting: no administration could exist long without support; and when abandoned by the independent interest, ministers had hitherto resorted to the detestable means of corruption; but in that they were not so much to blame as the independent gentlemen who suffered them to do it. Government could only exist in two ways, by its purity, wisdom, and success, which secured to it the love and support of the virtuous and independent; or it must exist by the means of corruption, which brought to its aid the needy and the profligate; and as government must be supported—the independent men ought to take to themselves blame if they forced a virtuous administration to resort to corruption; he repeated it therefore, that their support ought to be steady, uniform, and active; and the more so, as the ministers who were retiring, were not going out in consequence of an address of that day; they were not tired of their places; and their Sovereign was not tired of them; and therefore the work of the independent gentlemen would be incomplete, if they did not resolve to support their own ministers with zeal and perseverance. The necessity of this advice made him earnest in giving it, and he hoped in God now to see an administration formed not only of independence, but of solid, substantial, and permanent power. He hoped in God that we should now have an opportunity of perceiving how much more beneficial to a country, as well as honourable, a government of virtue was to a government of corruption. How much more likely it was to give us union, action, and zeal at home, to give us eminence and respect abroad. He was convinced that with such a government, we might yet entertain well-founded hopes of raising up this country again upon its legs; we might at least procure time to breathe, to collect our strength, to combine our resources into one great and profitable fund, by which we might be able to direct our effects with success against our enemies.<sup>1</sup> He concluded with warning gentlemen again not to indulge the joy which was but too natural on such a deliverance; not to feast their minds with the idea that all was finished because it was begun. It was a moment for the most serious temper, because there was necessity for the most serious action.

<sup>1</sup> While determined to end the war with America, the opposition to North were equally determined to wage successful war against France and Spain.

General Henry Seymour Conway<sup>1</sup> followed Burke, expressing his concern at what Burke had said about 'the necessity of even a virtuous ministry to resort to corruption' if it did not get the support of independent members: 'he should be unhappy, indeed, if any thing bordering upon an excuse for corruption, should fall from a gentleman for whom he had an esteem,—perhaps superior to any he had for any man;—and he should be still more unhappy at hearing it fall from the lips of a man, who most likely would be one of those ministers to whom the country looked up for its salvation.'<sup>2</sup> While Conway was speaking, Burke seemed to a newspaper reporter to be 'a good deal distressed on account of his delicate sensibilities and the misapprehension of his friend'.<sup>3</sup>

Mr. *Burke* lamented that any thing which had fallen from him should have given his honourable friend an idea that it was possible for him to countenance corruption even for a moment; he flattered himself, that the whole course of his conduct was a continued proof that he reprobated corruption in every point of view; and that, therefore, he could not mean to become an advocate for it in that House: he had meant no more than this in what he had said, that ministers not finding sufficient support from the independent interest, resorted for it to corruption; and that in such case ministers were less to blame than those members who suffered them to do it: if he appeared in this to take any blame from ministers; it was only to heap the more on those who, through indolence or inactivity, should withhold their support from measures which they approved. All that he had in view from what he had said was to warn men against the danger of inattention; and to shew them the possibility that in some future moment, it might be imputed to them by ministers that their neglect had forced them to what they otherways would have rejected—to corruption—and that perhaps a minister might charge them with at least a part of the guilt.

"Flectere si nequeo superos, acheronta movebo."<sup>4</sup>

That their indolence he might give as his excuse, for either by independance or corruption his government must be supported. But he never meant to insinuate his approbation of such conduct. He was clearly of another mind; and thought with the right honourable gentleman that a minister ought to resign his seat rather than resort to base and unworthy means. He had never supported but one administration in that House,<sup>5</sup> and no member he believed would accuse that administration of governing by corruption. He said the honourable gentleman had talked, as if he had been likely to

<sup>1</sup> (1719–95).

<sup>2</sup> *Parl. Reg.*, vi. 504.

<sup>3</sup> *Gazetteer*, 21 Mar. 1782.

<sup>4</sup> If I cannot deflect the will of heaven, I will move hell; Virgil *Aeneid*, vii. 312.

<sup>5</sup> The first Rockingham administration from 1765 to 1766.



become a minister. God knew, Mr. Burke said, he had no such views, nor had he a right to have any such. The thing was not within probability;<sup>1</sup> the honourable gentleman was himself infinitely more likely to become a minister than he was. He was neither a man who had pretensions to it from rank in the country, or from fortune, nor who aspired to it from ambition. He was not a man so foolishly vain, or so blindly ignorant of his own state and condition, as to indulge for a moment the idea of his becoming a Minister. The right honourable gentleman, whose rank and pretensions naturally pointed to that elevation, had undoubtedly a right to look forward to it; and no man deserved it more.<sup>2</sup> It must give pleasure and joy then to the House, to hear the language which he had just delivered; and the abhorrence which he had expressed of that wicked and ruinous system, which, after a struggle of so many years, they had at last abolished, would be a pledge to the House, that when that right honourable person should become a minister, the House and the nation would have no reason to apprehend that that system would be renewed.

At the end of the debate, the House resolved unanimously to adjourn until the following Monday. Lord Surrey intimated that if all the ministers had not been displaced by then, he would reintroduce his motion of no confidence. This was a needless threat. The North administration was indeed no more.

## Memorial on Economical Reform

### [ante 15 April 1782]

Source: MSS. at Sheffield, Bk. 14. 28–9.

The amended draft of the memorial in Burke's papers is in his own hand. It was published with modifications in punctuation and spelling in *Corr.* (1844), ii. 468–75. A fair copy in another hand, omitting some of Burke's amendments and including amendments and comments by Rockingham, and a redrafting by Rockingham of the final two paragraphs, is preserved in MSS. at Sheffield, R1–2064 a–b. The latter is printed in Earl of Albermarle, ed., *Memoirs of the Marquis of Rockingham and his Contemporaries*, 2 vols., London, 1852, ii. 477–80.

If he were to become the King's first minister, Rockingham insisted on certain conditions. Among these was that 'Mr Burke's Regulation of the Civil List' should be enacted.<sup>3</sup> The

<sup>1</sup> In the planning for a new Rockingham administration, Burke had been promised the office of Paymaster General of the Forces, a post to which membership of the Cabinet was not attached. He had assured Rockingham that he could 'readily consent to lie by, but having second-rate pretensions' (*Corr.* iv. 424).

<sup>2</sup> Conway was to be Commander-in-Chief with a seat in Cabinet in the new administration.

<sup>3</sup> Fortescue, ed., *Correspondence of George III*, v. 392.

King accepted the principle of strict economy, but he hoped that it could be achieved by negotiation with ministers rather than being imposed on him by act of Parliament, and he had detailed objections to what Burke proposed. He sought support from members of the Cabinet, especially from Lord Shelburne, who encouraged him in his objections. Burke urged Rockingham to stand firm. 'If we let slip *Parliament* we let slip *all*. This is our *only* security against Cabal and intrigue.' The Crown should be persuaded to send Parliament a message recommending the reforms and making them 'effectually, its own free act, as if it were done out of Parliament'.<sup>1</sup> Burke sent Rockingham a draft of a memorial about the bill to be presented to the King.

As it is possible that your Majesty may have been misinformed concerning the plan of œconomical reform to which you have so graciously condescended, In order to remove any doubt which might remain on your Majesties mind of the perfect propriety of it, you will permit me to observe to your Majesty, that not a *single* article of the Expence proposed to be retrenchd touches any thing whatsoever which is personal to your Majesty, or to your Majesties Royal family or which in the least contributes to the splendour of your Court.<sup>2</sup> If it were otherwise I assure your Majesty, that instead of humbly recommending as I do, this plan, there is not a servant or subject you have, who would resist it with more firmness to the best of my poor ability.<sup>3</sup>

But in this plan nothing is taken away, except those places, which may answer the purposes of us<sup>4</sup> your Majesties Ministers and which may serve to carry points, and support Interests of our own,<sup>5</sup> and not of yours.

I have many friends; and your Majesty will easily believe, that at this time when you honour me with your gracious attention to my recommendations, it would be the pleasantest thing in the world to me to be the Channel of your Majesties favour to twenty or thirty places of Ease and emollument, for those friends. The denying myself that satisfaction has been the greatest act of self Denial of my whole Life. I solemnly declare to you as a Gentleman and a man of honour that for this fortnight past I have suffered more trouble, mortification, and I may say Agony, and that in no good State of health by incumbering<sup>6</sup> myself with this plan than any Object in Life is worth, or indeed all the Objects in Life put together except that of doing my Duty to your Majesty and my Country. All my feelings would have been

<sup>1</sup> *Corr.* iv. 424, 433–4.

<sup>2</sup> The King had told Rockingham that he hoped that 'œconomy' would not involve anything that would 'affect the dignity of the Crown' (Fortescue, ed., *Correspondence of George III*, v. 453).

<sup>3</sup> On the copyist's version Rockingham suggested omitting this sentence.

<sup>4</sup> Rockingham inserted 'or those who hereafter may be'.

<sup>5</sup> Rockingham inserted 'or of theirs'.

<sup>6</sup> Rockingham underlined this word and noted: 'not a proper word NB the whole of this paragraph has a look as if I repented of engaging to execute this plan'.

gratified, and all my vexations would have been prevented, even if I had kept but one capital Class of the Offices which have been suppressed.

Besides the claims of friendship which I hope no man feels more than I do, If I looked towards the strengthening what is called political Interest and connexion for myself nothing could have contributed more to it than the recommendation to so many places. But I was seriously convinced in my conscience, that I should be making myself considerable at your Expense; and that instead of strengthening your Majesties Government by keeping up those places, your Majesties Government could not go on if they are suffered to subsist.

Your Majesties late Ministers were very apt to represent to others and possibly to your Majesty that these æconomical Ideas were notions of opposition, taken up to embarrass Government, and to captivate the people. But it is no such thing. I certainly wish to serve your Majesty and not to suffer that portion of your authority which you have done me the honour to entrust to my hands, to be enfeebled and baffled for want of a due force to carry on the Business of your Government. I should discredit *myself*, if I had not that sacred regard which I have, and ever shall have, for the Credit and reputation of the *Crown*. But I humbly entreat your Majesty to recollect the extreme weakness of the administration of your late Servants, the many defeats which their Measures have met with in Parliament, (to say nothing of the other disasters,) more than, I believe, have happend to all other Ministers, that have served the Crown for these eighty years, if their defeats were all put together. This happend notwithstanding they were possesd of the influence of all these places; and of a great deal more to the frequent distress of your Civil List. But the fact is, that these very places were the Cause of this weakness of Government, because it is evident to the world, that trusting in that Influence, they did not attend as they ought, to your Majesties honour and service, so as to prevent by their diligence and foresight, the disagreeable things, that without due Care, will happen in Parliament, as well as those greater calamities which have happend to the Nation. They have retired, after having some of them taken care of themselves, and left your Majesty in Debt and distress,<sup>1</sup> which it will be my Business and pleasure<sup>2</sup> to relieve you from; and to preserve you from falling into the like, as long as I am honoured with your Majesties confidence.

<sup>1</sup> The civil list was some £300,000 in debt.

<sup>2</sup> Rockingham struck out this word and inserted 'earnest desire'.

It has been suggested to your Majesty, that this reform may be made without going to Parliament. With great deference to the Judgment of others, I hope to satisfy your Majesty, that it is impracticable. The regulation of the two great Offices of account, the Pay Office and that of the Treasurer of the Navy;<sup>1</sup> the regulation and reduction of the great Offices of the Exchequer;<sup>2</sup> the suppression of the Board of Trade, which has a parliamentary Jurisdiction over the African Company;<sup>3</sup> the suppression of the Clerks of the Greencloth, who belong to an antient Court, the Lords of Police in Scotland, who have the Trust of publick money; the Mint which is an antient legal Establishment. These, with the disposal of the unprofitable Landed Estates,<sup>4</sup> absolutely require the interposition of Parliament.<sup>5</sup> Besides, the order, which is to secure ease and affluence to your Majesty out of the reach of the prodigality and mismanagement of your Servants can be settled in no other way. The Effect of leaving The few and inconsiderable parts of the arrangement which may be done otherwise, out of the general parliamentary plan, can answer no end except to prevent the decent display of your Majesties Bounty to the publick, to make it look little and diminutive; and to raise doubts and suspicions, in a matter, which is undertaken to produce quiet and satisfaction. I am sure it is the Duty of your Majesties Servants, when your Majesty<sup>6</sup> intends an act of Grace and favour to your people, to make it shew in all its natural Lustre; and to let it seem, at the very least, as good and as gracious as it is.

<sup>1</sup> Added in left column: 'the old Paymasters and Treasurers who have sums of money imprested to them cannot be exonerated of any part until they have accounted for the whole; nor can that part of the Bill, which admits the paymaster to give in the proof of Issues to subordinate paymasters and agents, as money actually paid into the Exchequer, to be executed but by act of parliament.'

<sup>2</sup> Added in left column: 'The fees of the Exchequer are legal fees and can neither be taken away or reduced but by Statute.'

<sup>3</sup> The Board of Trade had been given authority by act of Parliament to exercise 'a superintending authority' over the Company of Merchants Trading into Africa (*Corr.* iv. 433).

<sup>4</sup> Added in left column: 'The Act of Queen Anne prohibits the alienation beyond a term of years.' (By 1 Anne, c. 1 the disposal of Crown Lands was regulated so as to prevent permanent grants such as William III had made to his supporters.)

<sup>5</sup> Burke's list of provisions that would require to be enacted by statute suggest that at this stage he envisaged a bill similar to those that he had introduced in 1780 and 1781, rather than the much shorter version of 1782. The abolition of the Board of Trade, the Clerks of the Green Cloth, and the Lords of Police in Scotland were all included in the 1782 bill (*Commons Sessional Papers*, xxxiv. 475-93) and the Pay Office was to be regulated in a separate act in 1782. The office of the Treasurer of the Navy (see below, p. 147) and the Mint (see below, p. 145) were, however, excluded from the bill, which contained no provisions for dealing with 'the great Offices of the Exchequer'. The disposal of 'unprofitable landed estates' was also excluded. Additional economical reform bills were introduced in December 1782 but not proceeded with (see below, p. 149).

<sup>6</sup> 'majesties' in MS.



For my part, I am so much of that opinion, that I am not more desirous of doing it all together in one piece and in one way for the solid service it may do to your Majesty, than for the graciousness of the appearance, which will give your Majesty the entire honour of the act in a cheerful and voluntary manner, so as to conciliate the Minds of your people in this moment of our common difficulty and distress; and this Credit to your Majesty I shall ever make it my study to acquire to *your Majesty personally*, in every act of your Government, in which I shall have the honour of being consulted; and not suffer, if I can, any thing which the publick necessities, render indispensable, and impossible for your Ministers to resist, to seem as if it [is] forced from your Majesty; as your former Ministers have done in an hundred instances. I shall therefore submit to your Majesty the draft of a Message on the Subject to the House of Commons.<sup>1</sup>

If it were possible for me to be wanting in Zeal for your Majesties glory, and to decline or even to oppose this Business for little political Ends of my own, it would be to no kind of purpose. The Country Gentlemen in the House of Commons call loudly for it, and will infallibly bring it in, if others who are committed upon it should choose to ruin their Character by declining it, and would infallibly carry the Question in spite of all the opposition which those who fill the places could make to the reform.

My situation in the Country, my time of Life, my State of health,<sup>2</sup> and I hope the known sobriety of my Character will not I hope suffer your Majesty to think I mean to run violent Courses of popularity to the prejudice of Government. Indeed I am very far from it. But the times are serious; and a little early and prudently yielded may save much trouble and uneasiness hereafter.<sup>3</sup>

<sup>1</sup> Also drafted by Burke, see below, p. 141.

<sup>2</sup> Rockingham was in fact terminally ill.

<sup>3</sup> Rockingham revised the last two paragraphs: 'If it were possible for me and for those Persons who have been the Proposers and Supporters of this salutary measure to decline bringing it on in Parliament, disgrace would undoubtedly fall upon us, and the Business itself would still undoubtedly be brought on by the Country Gentlemen and the many Persons in the House of Commons who so highly approve and are fond of the Principle of the Bill.'

My situation in the Country, my time of Life, my State of Health and I hope the known Character I bear—will I trust not suffer your Majesty to conceive that the idea of Popularity would so far affect my Judgment as to incline me to a measure, which could prejudice or endanger the decent and necessary means of a well ordered Government.<sup>7</sup>

## King's Message on Economical Reform

15 April 1782

Source: MS. at Sheffield, R 81. 174.

This is a draft in Burke's hand of the message that the King was to send to the House of Commons endorsing economical reform. In the final version, presented by Fox on 15 April, some of its wording was altered (see *Commons Journals*, xxxviii. 923 and Fortescue, ed., *Correspondence of George III*, v. 459).

Rockingham stood firm in the face of royal misgivings about Burke's bill and persuaded the King to send a message endorsing it to the House of Commons. Changes were, however, introduced into Burke's draft implying that the King himself rather than the House of Commons had taken the initiative in drawing up the reforms.

His Majesty, taking into consideration the supplies which have been given with so much Liberality and supported with such uncommon firmness and fortitude by his faithful people in the present extensive war, has resolved, on his part, to relieve their burthens and to animate their exertions by adopting an effectual plan of œconomy through all the Branches of the publick Service;<sup>1</sup> He recommends it to the House of Commons to give him their assistance in the execution of this necessary purpose, desiring the House to consider what reductions and regulations may be made in the expences of the Civil Establishments and other publick Establishments and Offices, without injury to the dignity of his Crown and to the support of his Government. His Majesty having no reserves with his people, on whose affections he rests with a sure reliance,<sup>2</sup> trusting as they have hitherto been his best ressource upon every emergency, so he regards them as the most solid and stable securities for an honourable provision for his person and family.

<sup>1</sup> The rest of the sentence was replaced in the final version by 'towards which important Object, His Majesty has taken into his actual Consideration, a Reform and Regulation to his Civil Establishment, which he will shortly cause to be laid before the House, desiring their assistance towards carrying the same more fully into Execution.'

<sup>2</sup> 'as the best support of the true Honour and Dignity of His Crown and Government' added in final version at this point.

## Speech on Civil Establishment Bill 14 June 1782

Source: *Morning Chronicle*, 15 June 1782

The *Morning Chronicle*, 15 June 1782 carried the fullest of any newspaper reports of Burke's contributions to the debate on 14 June. Those printed in *Parl. Reg.*, vii. 230–1, 232–3 and later in *Parl. Hist.*, xxiii. 122–3, 124 seem to have been derived from the shorter account in the *Morning Herald*, 15 June 1782.

Burke had sufficient support in the Rockingham government to overcome the efforts of the King, abetted by Lord Shelburne, to force major modifications on his main measure of economical reform, his Civil Establishment Bill. Although it was late in the session, the bill, whose purpose was stated to be to enable the King to 'discharge the Debt contracted upon his Civil List . . . by regulating the Mode of Payments out of the said Revenues, and by suppressing and regulating certain Offices', was introduced on 13 June.<sup>1</sup> The 1782 bill was a somewhat truncated version of the bills that Burke had launched in 1780 and 1781, although he held out the prospect of further legislation later. He had resisted pressure to entrust the drafting to the Crown law officers and had kept it under his own supervision, with results that both contemporaries and historians have judged to have been unfortunate. Lord Shelburne, of course by no means a friendly witness, wrote of 'the nonsense of Mr. Burke's Bill. It was both framed and carried through without the least regard to *facts*, and penned so that every line required the opinion of the Attorney General.' It 'had been drawn up', he thought, 'by men totally unacquainted with Office'.<sup>2</sup> The King found it 'slovenly constructed' but considered that it would be 'best to let it go without much discussion which might render the sting worse'.<sup>3</sup> No doubt because he was aware that the King's unhappiness with the bill was widely known and that there was genuine concern in the Commons about Parliament's presuming to regulate the King's household, Burke described the scope of his bill in unusually subdued terms, stressing, in a way that can hardly have carried much conviction, the King's enthusiasm for the project.

Mr. *Burke* rose, and took notice of his having been called on the preceding day, to preface the introduction of his Bill with some explanation of its principle, its clauses, and its general tendency.<sup>4</sup> He said, he had formerly intruded so much on the time of the House in speaking very fully to the whole object of his Bill, that were there no other reason for it, that would be sufficient to induce him to forgo all preface then, but there was another and a much stronger motive for his wishing to be silent. Formerly he had prefaced his introduction of the Bill, in order to shew to the House the

<sup>1</sup> Text of the bill in *Commons Sessional Papers*, xxxiv. 475–92.

<sup>2</sup> W. R. Anson, ed., *The Autobiography and Political Correspondence of Augustus Henry, third Duke of Grafton*, London, 1898, p. 338; Lord Fitzmaurice, *Life of William Earl of Shelburne*, 2nd edn., 2 vols., London, 1912, ii. 225; for assessments of the act, see J. Norris, *Lord Shelburne and Reform*, London, 1963, p. 158; J. E. D. Binney, *British Public Finance and Administration 1774–92*, Oxford, 1958, pp. 120–1.

<sup>3</sup> Fortescue, ed., *Correspondence of George III*, vi. 54.

<sup>4</sup> On the first reading, Robert Viner (1717–99) had 'expressed his surprize that a bill of such magnitude had been brought in without any previous notice or explanation' (*Parl. Reg.*, vii. 229).

reasons and the grounds for listening to such a proposition, and for their concurrence in its support; now all preface was unnecessary and instead of it, he felt himself rather called on to express his thankfulness and his gratitude to that transcendent goodness and beneficence of the Crown, which had so graciously patronised his plan, and recommended it to the House, as a project of æconomy and reform, proper to be adopted, and highly expedient for Parliament to embrace and carry into execution. The less prefater therefore the better, because it only tended to derogate from the Crown, to the goodness of which the whole honour was due, his being nothing more than the humble instrument, to whose lot it had fallen to forward the gracious intention of royalty. Having made this exordium, Mr. Burke said, called on as he had been to explain the nature of his present Bill to the House, he would shortly state answers to what might possibly be considered as its defects, and as matter of objection to it; and these he would divide into two parts; the one the delay that had attended the bringing in of the Bill; the other, the shortness of the time Parliament had to sit, and which to some might appear too brief for that deliberation, and discussion, which a Bill of so much importance would necessarily require. With regard to the first of these, viz. the delay, he begged the House to recollect the short space of time, that had elapsed since that happy change in his Majesty's Councils had taken place, which had with so much reason afforded the whole kingdom the highest satisfaction. In that time he had been busily employed in preparing his Bill, in regulating his own opinion with the opinions of men in office and in applying in practice what he had projected as matter of speculation or matter of theory; and when it was considered how difficult the task was, how fatiguing and how irksome it necessarily must be, how many and how various the detail he was obliged to listen to in order to glean a little useful information from a vast recital of circumstances, and hints not immediately relative to the plan projected, that a long continuance in office made it like a country for those bred up in it, who thought in opposing the demolition of office they were fighting *pro aris et focis*;<sup>1</sup> moreover, when it was considered, that the public had of late taken up and had (from the place that he had the honour to hold,)<sup>2</sup> a right to take up a great portion of his time, he flattered himself that the House would not only not think he had been idle on the subject, but would do him the justice to believe, he had used every possible assiduity on the occasion. In reducing his plan to the form of the present Bill, he said, he had found it

<sup>1</sup> For our altars and our hearths.

<sup>2</sup> Paymaster General of the Forces.



necessary to concede a great deal to the practice of office, a circumstance which every Gentleman might be aware of, if he gave himself the trouble of thinking, how exceedingly great and material the difference was between forming a project upon speculation, and reducing it to practice upon actual knowledge, with respect to the degree of its practicability. The first omission that would be noticed in the present Bill, on comparison with his former Bills, would be found to be, that of leaving out the clauses for purchasing every thing for the Royal Table by contract. Upon enquiry into the household, he had found that every thing might be obtained as reasonable another way, and therefore, as all his aim was to attain œconomy, and to reduce the expences of the Household to as much certainty as possible, he had very readily abandoned that part of his project.<sup>1</sup> The next matter that he had omitted, was the reform of the Board of Ordnance,<sup>2</sup> and that not only from a recollection that it was part of his Bill rejected by the greatest majority of a Committee of that House,<sup>3</sup> that had divided on any one clause of it, but because there was now at the head of that Board a noble Duke, from whose vigorous and vigilant efforts, from whose known diligence and industry, from whose ardent admiration and love of œconomy, as well as from his acuteness of understanding, quick perception and upright conduct, the publick had good reason to expect as complete and substantial a correction of the abuses of the Board of Ordnance as the nature of the case would probably admit.<sup>4</sup> The noble Duke had come to his bed side like an adulterer, but it was like a divine adulterer, to beget an Hercules and an Eurystheus,<sup>5</sup> sufficiently powerful to be capable of destroying all the snakes and monsters, that infested the Ordnance Office; the noble Duke therefore had taken the matter out of his hands, and as he was persuaded it was now in much better, there he was willing to let the matter rest, and the rather, as, in fact the Board of Ordnance was œconomizing. With respect to the Principality of Wales, though he had not dropped his ideas respecting the form of the several offices on that establishment, yet he

<sup>1</sup> The King had complained that there was 'something very grating in furnishing the Crown, as an hospital, by open Contract' (Fortescue, ed., *Correspondence of George III*, v. 454).

<sup>2</sup> In both the 1780 and the 1781 bills, the Ordnance was described as 'properly a military matter' to be executed by army officers. The whole civilian establishment, beginning with the Master General, was to be abolished (*Commons Sessional Papers*, xxix. 382; xxxiii. 61).

<sup>3</sup> The clause relating to the Ordnance in the 1780 bill was presumably rejected along with all other outstanding clauses in votes on 23 June 1780. Voting figures appear not to have survived.

<sup>4</sup> Richmond had become Master General of the Ordnance in the Rockingham administration. Under successive administrations he was to prove to be an effective reformer of the Ordnance.

<sup>5</sup> Zeus was the divine adulterer; Eurystheus imposed the twelve labours on Hercules, which included cleansing the Augean stables.

thought better to postpone that part of it till another session.<sup>1</sup> He had likewise omitted the Mint, as well because the Bank were unwilling to take it, as because the laudable endeavours of a noble Lord, to draw the attention of government to its reform,<sup>2</sup> and what he knew to be the object of government itself, in all probability all that was necessary would soon be done, and the public would no longer be put to the expence of the coinage.<sup>3</sup>

There were, he next observed, two Offices of the Household, and both of them white staves, which upon due consideration and advice, he had agreed to let remain, as part of the necessary splendour of the Crown;<sup>4</sup> a matter which he never had the most distant thought of diminishing. He also stated that his own office would naturally be looked upon as a subject of reform, and he of all men would be expected to propose the proper means of doing it. He had not, he did assure the House, been idle in that respect. Ever since he had held his office, he had been examining how, and in what manner the publick might be best advantaged. At the same time he begged leave to say, that he made no pretensions to extraordinary disinterestedness, or meant not to reap the fair emoluments of his situation. Not to do that, would be to violate the first law of God and Nature, by abandoning the interest of his family for no purpose whatsoever.<sup>5</sup> He entered particularly into a discussion of this matter, and said, where a man could serve himself without an injury to the public, he held it to be an indispensable duty to do so; but where the case stood, whether an individual should be served or the publick? there the point was clear, the

<sup>1</sup> Burke's earlier proposals for reforming the judicial and administrative establishments of Wales had encountered much opposition. See *Corr.* iv. 211–2.

<sup>2</sup> Lord Mahon; see his speech, 6 May 1782 (*Parl. Reg.*, vii. 115–16).

<sup>3</sup> The Mint was paid for by parliamentary grant. Burke had denounced it as 'a great expence to the nation chiefly for the sake of members of parliament' in his 1780 speech. He had proposed that the manufacture of coinage should be done by contract (vol. iii, pp. 516–17). Under the 1780 and 1781 bills, the Treasury was authorized to contract with the Bank of England for coinage.

<sup>4</sup> These were the offices of Treasurer and Comptroller of the Household. The emblem of office for both of them, as well as for two other senior offices of the Household, was a white staff. They were among the offices 'of peculiar attendance on the Person of the King' which George III wished to preserve (Fortescue, ed., *Correspondence of George III*, v. 453).

<sup>5</sup> As Paymaster General to the Forces, Burke was to receive a fixed salary of £4,000 in place of the very large sums in perquisites and from the use of the balances of public money which had come to be attached to the office. Provision had indeed been made for Burke's family. His son, Richard, was to be his Deputy with a salary of £500 and was later given a Receivership of Land Revenues for life. Burke's brother, also called Richard (1733–94), was to be Secretary of the Treasury with a salary of £3,000, and his close connection, William Burke (1728–98), who was in India, was given the office of Deputy to the Paymaster for the royal troops serving there, worth over £1,500 (*Corr.*, iv. 430, v. 8). Much was to be written by Burke's critics in the press about the rewards that he had put into 'the pockets of your thumping relations', whose 'whole merit . . . lies in the name of Burke'. The Burkes and a train of Irish hangers-on invented by the newspapers were said to cost the public £35,800 a year (*Public Advertiser*, 15 Aug. 1783; *Corr.* v. 159).

individual must sacrifice himself and his family to the publick, because the publick good ought ever to supersede private interest, and private advantage. To elucidate his reasoning on this head, Mr. Burke said, the publick did not thank those servants who neglected to serve themselves, and at the same time neglected to serve them. That for his part, whenever he heard that a man was so extraordinary an advocate for disinterestedness, that he threw his money into a river, his advice would be to throw the man in after it, for a mad man and a fool, who neglected to use that benefit, which God had blessed him with, for the service of himself and his family. He undoubtedly laid claim to no unnecessary pretensions to disinterestedness, and as long as he faithfully and diligently served the publick, he was persuaded that [the] publick would be neither so ungenerous nor so unreasonable as to expect that he was not to profit by the application of his time and talents, (such as they were), to the promotion of the publick advantage. That ought undoubtedly to be his first object, and that of every officer employed by government, either in a civil or a military capacity.<sup>1</sup> Mr. Burke here entered into a long detail of the nature of his office, of the manner in which the publick money came into his hands, the mode of his issuing it, the sort of accounts which were kept, and the quantum of the balances, that had usually remained in the Paymaster's hands.<sup>2</sup> He said, he had taken care to have all his accounts made up to the third instant, as near as complete as possible, and that his quiescent balance was then about 4000*l*. There was besides, in the Bank, a balance of about 30,000*l*, but that he did not reckon upon, because it was daily issuings and, perhaps while he was speaking, it was paying away. His quiescent balance was about 4,000*l*, and as he intended to carry his balances over, and consider them as money applicable to any service, he hoped never to have them much larger. This he shewed would be a considerable saving and advantage to the publick. He also said it was his design to bring in a Bill to regulate and reform the Pay-Office, but whether it would be adviseable for him to bring it in that sessions, or let it alone until the next, when he should have acquired more

<sup>1</sup> Burke consistently maintained that 'No persons were more deserving of rewards than labourers for the public', see below, p. 604.

<sup>2</sup> The duty of the Paymaster General to the Forces has been described as that of banker to the army. He received the money voted by Parliament from the Treasury and paid it out to the army. He could not transfer money voted for one purpose to another, which is presumably what Burke meant by his 'quiescent balance'. Any money not paid out remained in his hands until his accounts were audited, which was a very protracted process. Until the audit took place, the Paymaster was by convention free to use that money for his own purposes. This made the office a very lucrative one. Burke calculated that a Paymaster was likely to gain some £24,000 a year from his balances (see below, p. 173).

knowledge on the subject, was not for him to determine.<sup>1</sup> Having gone very fully into the discussion of the nature and practice of the Pay-Office, he alluded to another Pay-Office held by an honourable friend of his, and which was of a similar nature.<sup>2</sup> The reform of that, he observed, his honourable friend had expressed the wish to have included in the same Bill, in which he should propose the reform of his own. He must, however, decline adopting that suggestion, because his honourable friend had himself declared, that there was no defect in his office, that the persons employed in it discharged their duty diligently and faithfully, and that the expense of the whole was a mere trifle to the Publick. Mr. Burke added a number of other remarks on the nature of the Bill, then under consideration, and on other plans of reform, he had in contemplation. He declared that in preparing his Bill, he had received uncommonly ready assistance from all his Majesty's Ministers, and that they were entitled to his most grateful thanks for the kindness with which they had enabled him to proceed in maturing his project, and reducing it to practice.

Burke was immediately followed by Colonel Barré. In a long and diffuse speech, he condemned Burke's willingness to permit a degree of private advantage in public service, insisted on the immediate urgency for reform of the Pay Office from its manifest abuses, among which he mentioned the case of John Powell,<sup>3</sup> who was soon to cause Burke much anguish,<sup>4</sup> and denied that he had ever said that there were not defects in the Navy accounts that needed reform.

Mr. *Burke* replied, and in the course of what he said, declared his honourable friend's speech had proved that there was no danger to the public in making a fair and reasonable advantage of the money in his hands, by shewing that as much might be lost to the public by disinterestedness as by corruption. A position clearly evinced by the operation of that defect in the office of Treasurer of the Navy, of which his friend had complained, and at the same time acknowledged that his resolution of disinterestedness was no check or preventive. Mr. Burke differed from Colonel Barre with respect to introducing his Bill this sessions. He said he might pledge himself to bring forward this or any other Bill of reform, but there was no such thing as pledging Parliament. The whole objection that occurred to him, was the torrent of calumny and abuse, that might be poured upon

<sup>1</sup> Such a bill was introduced in the current session and enacted as 22 Geo. III, c. 81. An amended version was to be introduced in the following session.

<sup>2</sup> Isaac Barré, a close adherent of Shelburne, had become Treasurer of the Navy in the Rockingham administration.

<sup>3</sup> (d. 1783).

<sup>4</sup> See below, pp. 167–80.



him, if he did not introduce his Bill this sessions, but he had a right to so much of the public confidence as to be deemed sincere in his intentions; and if he was not capable of bearing three months attack from the *Herald* and *Morning Post*, he should deem himself wholly unworthy of the countenance of either House of Parliament.<sup>1</sup>

Robert Vyner, a supporter of North, had complained that Burke's present Bill 'fell so materially short of those brought in formerly upon the same subject'. He stressed in particular the failure to reform the Duchy of Lancaster and the Ordnance.

Mr. *Burke* said, so far from the offices of the Duchy of Lancaster standing foremost in his Bill brought in on a former session,<sup>2</sup> as objects of reform, if the honourable gentleman would give himself the trouble to refer to the printed copy, which he had told the House that he had in his pocket, he would find there was not one line, one word nor even one syllable alluding to the Duchy of Lancaster in the whole Bill.<sup>3</sup> The fact was, the Duchy of Lancaster had been originally stated in the House by him, as a fit object for another bill of reform, and the reason why he did not now bring it forward, was, because he understood the people employed under it did not by any means think a reform at all advantageous to the public could be made. If a different opinion prevailed, he should have no objection whatever to bringing a bill immediately, and if it should [be] thought that the Duchy of Lancaster ought to be reformed, and its offices abolished, he was as ready to prosecute that as any other branch of œconomy. With regard to the Board of Ordnance, it was not merely, because the Duke of Richmond presided at it, that he had passed it by, but because it was then œconomizing. The noble Duke had began the work of reformation, and having a more competent knowledge of what were its abuses, and how these abuses might best be corrected, he had no doubt but that the reform in that office would be material, substantial, and in a great degree advantageous to the Publick. Mr. *Burke* said, he was a little astonished at hearing the honourable gentleman call for more of his former Bill. When that Bill had been in the House, he did not recollect that the honourable gentleman

<sup>1</sup> The *Morning Post* and the *Morning Herald* were said to be papers full of material 'paid for by the infamous old Ministry' (*Parker's General Advertiser*, 28 June 1782).

<sup>2</sup> 'sessions' in original.

<sup>3</sup> A bill 'for uniting to the Crown the Duchy and County Palatine of Lancaster' had been part of Burke's programme of economical reform in 1780 (vol. iii, p. 551). The omission of the Duchy of Lancaster from the present bill was contentious, since the new administration had appointed John Dunning to be Chancellor of the Duchy with a pension of £4,000.

had distinguished himself as one of its advocates, or, in fact that he spoke a word in its favour. He was exceedingly happy the honourable Gentleman had changed his opinion of the Bill, and that it was an omen that he should have his support on the present occasion.<sup>1</sup>

After John Courtenay had spoken in praise of Lord Townshend,<sup>2</sup> the Master General of the Ordnance whom the new administration had replaced with the Duke of Richmond, 'Mr. Fox and Mr. Burke disclaimed in the strongest and most explicit terms the least personal reflection on Lord Townshend'.

The bill was ordered to be committed on 20 June and with amendments passed its third reading on 27 June.<sup>3</sup> Burke introduced his Pay Office Bill on 24 June and it became law before the end of the session. At the beginning of the next session of Parliament on 19 December 1782, Burke, now out of office, announced that he would resume his 'system of reform'. Although Pitt, on behalf of the Shelburne administration, urged him not to 'run a race' with them in introducing reforms, motions were passed for bills to be drawn up on the sale of forests and Crown lands and for placing Wales, the Duchy of Lancaster, and the County Palatine of Chester under the direct administration of the Crown.<sup>4</sup> No progress was made with them, and it was one of Lord North's conditions for the coalition with Fox that further economical reforms should be abandoned.<sup>5</sup>

The limited nature of the Civil Establishment Act drew criticism from frustrated reformers. Sir Cecil Wray,<sup>6</sup> recently elected to Westminster as Fox's ally, is reported to have told Burke that his 'famous *Bill of Reform* . . . had now dwindled to a mere NOTHING, so much so, as to be held in the utmost contempt by all ranks of people!<sup>7</sup> A less partisan assessment would probably be that the act failed in its ostensible purpose of enabling the King to live within the civil list. Arrears continued to accumulate and in 1786 Pitt had to ask for £210,000 to clear them and to try to devise a new set of reforms.<sup>8</sup> For Burke, however, reducing the political influence of the Crown was the prime objective of his reforms. Here he had achieved something, even if what he achieved fell short of 'the saving to the public of two hundred thousand pounds annually, at least' and 'the destruction of an undue influence over the minds of fifty members of parliament in both houses', which he had promised in 1781.<sup>9</sup> Twenty-two court offices which had been held by supporters of the North government were abolished and the awarding of civil-list pensions to Members of Parliament was prevented.<sup>10</sup>

<sup>1</sup> Robert Vyner explained that he approved of the present bill but had disliked the previous ones because they had included clauses 'as insulting to the crown as could be possibly conceived'.

<sup>2</sup> George Townshend (1724–1807), 4th Viscount Townshend, later (1786) 1st Marquess Townshend.

<sup>3</sup> 22 Geo. III, c. 82.

<sup>4</sup> *Parl. Reg.*, ix, 70; *Commons Journals*, xxxix, 32.

<sup>5</sup> J. Cannon, *The Fox–North Coalition: Crisis of the Constitution 1782–4*, Cambridge, 1969, p. 49.

<sup>6</sup> (1734–1805), 13th Baronet.

<sup>7</sup> *Morning Herald*, 26 June 1782.

<sup>8</sup> E. A. Reitan, *Politics, Finance and the People: Economical Reform in England in the Age of the American Revolution, 1770–92*, Houndmills, 2007, p. 191.

<sup>9</sup> See above, p. 52.

<sup>10</sup> Christie, *Wilkes, Wyvill and Reform*, pp. 152–3; A. S. Foord, 'The Waning of the Influence of the Crown', *English Historical Review*, lxxii, 1947, 492.

## Speech on Change of Ministers 9 July 1782

Source: *A Complete and Accurate Account of the Very Important Debate in the House of Commons, on Tuesday, July 9 . . .*, 2nd edn., London, 1782, pp. 29–33, 41–2.

The compilation entitled *A Complete and Accurate Account* of the debate on 9 July 1782, published by John Stockdale (c.1749–1814), claimed to be drawn ‘in the most correct and impartial manner; not from the daily newspapers, but from the memory of several gentlemen who attended the House for that particular purpose’ (*Morning Chronicle*, 22 July 1782). Burke’s speeches, among others, ‘delivered at a very late hour’, were said ‘no where to be found but in this publication’. This is an exaggerated claim, but the *Complete and Accurate Account* was much fuller than any newspaper report. The version of the main speech in *Parl. Reg.*, vii. 312–15, repeated in *Parl. Hist.*, xxiii. 180–3, appears to have been derived from this source, but is considerably shorter. Burke’s later interventions were only briefly noted in *Parl. Reg.*, vii. 317, 319 and omitted altogether from *Parl. Hist.* Some striking passages in its report of Burke’s speech appeared in the *Morning Chronicle*, 12 July 1782, supplied by ‘a correspondent’.

The Marquess of Rockingham died on 1 July. The King immediately indicated that he intended that Lord Shelburne should be his chief minister. Fox and some of his colleagues, including Burke, were totally opposed to serving under Shelburne, urging the claims of the Duke of Portland in his place.<sup>1</sup> When it was clear that the King would not give way, they felt that they had no alternative to resigning their offices. Burke suggested some delay in order to fight Shelburne from within the government,<sup>2</sup> but Fox resigned on 4 July and took his seat on the opposition benches on the following day. Burke joined him, although he did not formally hand his resignation to the King until 10 July.<sup>3</sup> The debate on 9 July was eagerly anticipated. ‘The curiosity of the public to learn the causes and the extent of the late revolution in the cabinet, had collected great multitudes about the House of Commons.’ There was ‘eager expectation of what was to be the great business of the day’.<sup>4</sup> Such expectations were initially frustrated by Daniel Coke, M.P. for Nottingham,<sup>5</sup> who moved for an address for an explanation of why a pension of £3,200 had been awarded to Isaac Barré against all principles of public economy. The debate quickly broadened out as first Fox and then Burke explained why they had resigned.

Mr. *Burke* now rose, and supported his honourable friend (Mr. *Fox*) in one of the most pathetic and masterly speeches that ever, perhaps, was delivered in Parliament. On his rising there was an uncommon confusion at the Bar. He directed his eye to this quarter, and with infinite spirit, and a dignity which an uncommon rectitude and force of mind alone could have inspired, said, he was peculiarly circumstanced from the delicacy which he had for one part of the House, while he felt nothing but the most sovereign contempt for the other. This to him appeared an hour, though a late one, of the greatest consequence. He was called on by a variety of circumstances to vindicate his character and principles to the public. Those who, by the

<sup>1</sup> William Henry Cavendish Bentinck (1738–1809), 3rd Duke of Portland.

<sup>2</sup> *Corr.* v. 5.

<sup>3</sup> Speech of 11 July 1782, *A Complete and Accurate Account*, p. 55.

<sup>4</sup> *Morning Herald*, 10 July 1782. <sup>5</sup> (1745–1825).

present unaccountable tumult, seemed dissatisfied with his private character, knew where to find him. But he was not to be intimidated, by these little unmanly and dirty artifices, from coming forward and accounting, with much simplicity and truth, for his short stewardship, to that public, whose servant he had ever been.

About the question relating to the pension meant for an honourable Gentleman, he had but little to say.<sup>1</sup> Among all the encomiums made on the character of the noble Marquis lately deceased,<sup>2</sup> this was one, that he left his dearest and best friends with the simple reward of his own invaluable intimacy. This singular test of their sincerity he asked while alive, and it was a tax he left on their regard for his memory when dead. He, for his own part, had not been without his share of the one, and he would soon convince the world, he was not unequal to the other. Well might he be excused for mingling his tears with those of all descriptions and ranks of men, for the inestimable loss of this most excellent and most virtuous character. He is gone to that great and equitable tribunal where we must all go, and before which he verily believed no human soul ever appeared with more purity or less apprehension that his actions should be approved. It was impossible for his friends, or his country, the interests of virtue, and the rights of mankind, to sustain, by any contingency whatever, a loss more general and irreparable. It is the hand of Heaven, and awful as the stroke is to us, to all, we are bound to submit with decency and resignation. But what had the friends of this great and good man to expect? What did the public look for? What was the most natural step on his decease? There is not a friend in this House, in the whole nation, who does not anticipate the idea. Had not this eminent and venerable nobleman, and for the best reasons in the world, the complete unequivocal confidence of the whole nation? Was it not then the most natural and the most proper advice that could be tendered to the Crown, that the man, of all others in the kingdom, whose qualities and virtues most resembled his, was the fittest and best qualified to supply his place. He appealed to the common sense of all, who heard him, whether this was not the most equitable, eligible, and popular,

<sup>1</sup> As First Lord of the Treasury, Rockingham had approved Barré's pension, in response, Burke believed, to Shelburne's solicitations. A sentence was added at this point in *Parl. Reg.*, vii. 312: 'He knew that the noble Marquis felt himself bound for it, as he had in the year 1766 left out the honourable Colonel, by mistake, from a list of promotions.'

<sup>2</sup> Rockingham. At this point in his speech, finding that 'he did not meet with sufficient attention, and heard much talking and many murmurs, [Burke] said with much vehemence and a sense of injured merit, "this is not treatment for so old a Member of of Parliament as I am, and I will be heard!" on which there was immediately a most profound silence' (P. E. Matheson, ed., *Travels of Carl Philipp Moritz in England in 1782*, London, 1924, p. 219).



method, that could be adopted. But where could we select an individual who would be found in all respects adequate to this exalted standard? He knew of but one, to whom all these amiable, endearing, and respectable, attributes, unimpaired and undiminished, were literally applicable; It was not necessary he presumed, after what he said, to mention his Grace the Duke of Portland. His great personal virtues and accomplishments his numerous family connections, and the infinite variety of private friendships, that arose from the generosity of his nature, the extent of his fortune, and the purity of his principles, pointed him out as the only or most proper person in this country for presiding in the management of its affairs. He dared any man, all men, to bring the Earl of Shelburne's character in competition with his. The friends and admirers of this nobleman might extol him as they pleased, but he knew the principles and motives of their panegyric<sup>1</sup> too well to credit above one half of their assertions. The honourable Gentleman had not, whatever his abilities and penetration were, perhaps made it so much his business to examine characters as he had.<sup>2</sup> It was probable, likewise, he might be much more generous and good-natured than he pretended to be. Nor did he doubt but he knew the political principles of the noble lord in question much better than he did; but he certainly knew enough to alarm him, to put him on his guard, and to rouse the public also to a sense of their danger. He knew nothing of their cabinet intrigues; he was happy in this species of ignorance; he would therefore judge only on an ample, comprehensive, and general, zeal. The resignation of his honourable friend<sup>3</sup> in this light struck him as peculiarly manly, meritorious, and patriotic. He had discernment enough to see where he was, what he was about, and the many strange events to which, by remaining in place, he was likely to be accessary. Was it not incumbent on him to be on his guard, and to give the first notice of treachery or desertion from those views to which he and his friends had bound themselves? Take his conduct in this light, and it must strike you as equally honourable and equitable. He declared his most intire acquiescence in whatever his honourable friend had done. He protested the present Ministry were utterly unworthy of all confidence. He avowed boldly, and in a tone which not only demonstrated the probity of his own heart, but commanded the

<sup>1</sup> 'panegyric' in original.

<sup>2</sup> General Conway, who had decided to continue in office, had defended Shelburne: 'The Earl of Shelburne was not the less respectable that his predecessor was a man of uncommon worth.'

<sup>3</sup> Fox. Conway had said that there had not been disagreements in the Cabinet on a scale that justified Fox's resignation.

hearts of his auditors, that there was no confidence to be put in the Lord at the head of the Treasury:<sup>1</sup> that a perfidy had mingled itself with his Majesty's councils that must prove fatal to this country, that the interests of the nation were relinquished, that the public was foully, most foully, betrayed.

Why were the present Ministry without confidence? He could tell the House at least, why they certainly had not his, and why he should think it madness in the public to give them theirs. They wanted wisdom, and they wanted constancy. And what man on earth deserved to be trusted, who had neither sense nor firmness? Was it not folly or frenzy, or something worse, that could dispose them to tamper with the feeling; and hopes of the public at such a crisis as this? It was his pride, if ever he was proud of any distinction whatever, to follow in the train of the late Premier. He then knew his principles and what was expected from him. The system of action was then alike obvious, liberal, and unequivocal, to every individual member of administration. Would any man, who knows the noble Earl's desultory mode of political thinking and reasoning, dare to affirm this would be the case for the future?<sup>2</sup> Had this nobleman been uniform through life in his opinions concerning the constitution and privileges of this country, supposing him right for once, what security have we that the principles he now avows will be steadily pursued. Does he not know, any other declaration at present would so effectually rouse an indignant public, as to defeat his plans for ever? Is he the man to come forward and tell you, honestly and openly, that he associates with you only for the temporary purpose of blinding the public; that the moment he has gained sufficient popularity for his purpose, he will easily find means to make you tired of your situation; and that having once established his credit by yours, it is his intention to close the partnership? He protested, in terms peculiarly solemn and sincere, that the noble Lord in the blue ribbon<sup>3</sup> was much less obnoxious than the present minister. He called heaven and earth to witness, so help him God, that he verily believed the public were now in worse hands than ever. Enough of the minister was already before the public, to convince the most obstinate individual, that it was vain to look for magnanimity and patriotism in the absence of steadiness and wisdom. And

<sup>1</sup> Shelburne.

<sup>2</sup> Conway had insisted, as Shelburne was also to do, that there would be no difference in principle between the policies of the Rockingham administration and those of his ministry. The implication was that those who had resigned had done so from thwarted ambition.

<sup>3</sup> North.

these were characteristics of a prime-minister with which this country never could, but especially at present, dispense.

He therefore declared to the House, his unalterable resolution of never holding a subordinate situation under any minister in whom he could not confide, with whom he did not think it an honour to be connected. He trusted some credit would be given him on the present occasion. His domestic sensibility had never been doubted. He had a large family and but little fortune. He liked his present office. The House and all its appendages, to a man of his taste,<sup>1</sup> could not be disagreeable.<sup>2</sup> Yet all this he relinquished not, the House might well conceive, without regret—for the welfare of his family was very dear to him. No man could conceive him capable in such circumstances as his certainly were, to sacrifice all this and four thousand pounds per annum for nothing.<sup>3</sup> No. He did it all for that country, and that public, whose he was, and to whom he was always, ready to surrender whatever he most valued in life. He had been long surfeited with opposition. Those who were familiar with his habits of living, with his manners and temper, would not call him petulant or factious. What then could induce him to leave administration, to the reformation of which his humble endeavours had somewhat contributed? Nothing, he protested, but the sincerest regard for a public, in the service of which he wished to live and die. — He was not satisfied, because his heart would not let him confide where his duty and situation made it necessary that he should.

The noble Earl at the head of the treasury was in the habit, to be sure, of promising much more than his predecessor, whose invariable maxim it was, in no one instance of his life ever to promise more than he meant literally to perform. But different men had different minds and different ways of coming into power. It was said, why not try these men before you blame them?<sup>4</sup> He would directly answer, Because he knew it impossible, in the nature of things, for them, in such a situation, to answer the wishes, with

<sup>1</sup> For the Paymaster's house in Whitehall, see F. P. Lock, *Edmund Burke*, 2 vols., Oxford, 1998–2006, i. 508 and plate 25.

<sup>2</sup> 'He confessed, he had some parting pangs on quitting his place, that he loved busy life, that he loved of all things that place which his Majesty, in great goodness, had vouchsafed to honour him; he loved that view from his window into the Park; he loved to see soldiers exercising, and he believed that every man that knew him, would say, that he was fond of business. He pretended not to great things, he had been spending all his life in raising a little anthill, but it was all kicked down, and he had now such another anthill to begin again; that from his nature, he would never have chosen the cold climes of opposition, but he had been ever forced into it; it was a melancholy thought, but that he now believed, that he was doomed to spend his whole life in opposition' (*Morning Chronicle*, 12 July 1782).

<sup>3</sup> The Paymaster's salary.

<sup>4</sup> Conway had argued that the new ministry should be judged on its record after it had taken office.

principles so flatly opposite to those of the people. Would any man in his sober senses try whether a wolf would agree with lambs? This puts him in mind of a story he read at school of Little Red Riding Hood, who, during her mother's absence, was prevailed on by a wolf to take it for its grand-mama. He would embrace the present opportunity of warning the people against any such similar apprehensions.<sup>1</sup> He gathered much of his wisdom from small reading but, should he ascend to history, and bring examples from the annals of Rome, these must strike the House as still more apposite and forcible, What would Cato have said to those of his contemporaries who should have asked him to forbear his censure of Catiline till Catiline was in power?<sup>2</sup> Would he not have answered them in his usual stile of manliness and truth. What! not disarm the parricide till he has stabbed his country to the heart! Make Catiline consul! Let him set fire to the capitol! Invade the sacred mount! Demolish the temples of the gods! Murder the senators! Overturn the commonwealth! Massacre the citizens! Plunder them of their property! Devote their wives and daughters to the brutal insults of his ruffians! Where is your redress, while the dagger of the traitor, reeking with the best blood of the state, is pointed to your throat? Shall we not crush him, while yet in our power, rather than, by raising him over our heads, put our lives and properties in his? It is true, the cases are by no means similar, except in degree; but so far as they go, they are certainly the same. And the strength of the illustration, without transferring any imputation, only shews the madness of filling places of the greatest responsibility with any man not in full possession of the public confidence!

William Pitt, who had accepted office under Shelburne as Chancellor of the Exchequer, had condemned in sharp terms the decision of Fox and his colleagues to resign as being prompted by a 'contest for power' rather than any difference of principle. He assured the House that the new ministry would continue to follow 'the objects and measures' of the Rockingham administration. He had also objected to Burke's references to Cataline and Cato as 'much too aggravating'.

Mr. *Burke*, in reply to Mr. Pitt, vindicated his bringing up the names of Cato and Catiline in the argument on what he took to be an obvious principle in all just reasoning, that, whenever it is necessary to put mankind

<sup>1</sup> Introducing the tale of Red Riding Hood into a parliamentary speech was regarded as a breach of taste that drew much comment.

<sup>2</sup> Marcus Porcius Cato, the younger (95–46 BC) prosecuted Lucius Sergius Catilina (c.108–62 BC) for conspiring against the Roman state.



on their guard against any real or fictitious evil, the instances by which you urge them cannot be too strong. He acceded to the declaration of his honourable friend, in denying that ever the present Minister was considered as one of those who had been so instrumental in driving out their predecessors: he had stuck to them, the honourable Gentleman observed, like a piece of occasional patchwork, but never incorporated with the body or made any essential part of the system.<sup>1</sup> By trimming between all parties, he had certainly never been of any. To this moment he knew not what his Lordship's political creed was: he had pledged himself for no specific principles, and might change them at will without incurring the imputation of apostacy. This was the fashionable plan, on which modern politicians seemed so fond of forming themselves. It certainly had its advantages. It was mighty convenient for those, who acted without truth, or conscience, or principle. Unfortunately for him and his, he had not yet been able to reach this summit of philosophical indifference to all the principles of right and wrong. Indeed the subject: was too serious for pleasantry. He abhorred that sort of accommodation, which did not leave a man possessed of a single principle he could call his own. He was sorry to see a young but honourable Gentleman, [Mr. Pitt,] of such promising talents, attaching himself thus early to a school, which would certainly endeavour to destroy all the culture and all the maxims, for which he stood so much indebted to one of the greatest and brightest men this country had ever produced. He begged leave to assure that honourable Gentleman, that all the reasons he had now urged against the resignation of the late Secretary<sup>2</sup> were, in every respect, the very same, which, on a similar occasion, he had heard argued against his own illustrious father.<sup>3</sup> It filled him with regret for the fate of the capricious creature, man, to see him made in this manner the incessant sport of such a variety of contradictory sentiments and ideas. For here the son rifles the enemies of his father of all their deadliest weapons, to discharge them in the face of his friends!

<sup>1</sup> Fox had denied that 'ever he considered Lord Shelburne as a colleague in forming the late Administration; he acted only the part of a negotiator. He did not come in as one of them: they never owned him as heartily or sincerely with them in those great points, for the accomplishment of which they pledged themselves to the public.'

<sup>2</sup> Fox had been Secretary of State under Rockingham.

<sup>3</sup> Burke is presumably referring to the resignation in 1761 of Pitt's father, William Pitt (1708–78), later (1766) 1st Earl of Chatham.

The debate ended without a division, Coke withdrawing his motion about Barré's pension. On 11 July, in the closing minutes of the session, Burke spoke again about the resignations and the pension. He denied an allegation by Shelburne in the House of Lords that Barré's pension was intended to compensate him for the awarding of the Paymastership to Burke, which would otherwise have been his. 'This place had been assigned him not as a provision, but as one deemed by the late noble Marquis suited to the little abilities he had.'<sup>1</sup>

## Speech on Preliminary Articles of Peace 17 February 1783

Source: *Morning Chronicle*, 27 February 1783.

Burke spoke late in a long debate that did not finish until 7 o'clock in the morning. The coverage of what he said in the next day's newspapers was therefore inevitably relatively brief. The *Morning Chronicle*, however, published a full version some days later, on 27 February. This version was reproduced in a slightly abridged form in *Parl. Reg.* ix. 263–5 and was repeated in *Parl. Hist.*, xxiii. 466–9. Five pages of notes in Burke's hand are preserved in MSS. at Sheffield, Bk 6. 164–6 and an analysis of the terms of the treaties in another hand is in MSS. at Sheffield, Bk. 6. 67–71.

With the fall of the Rockingham administration the task of making peace with America and with Britain's European enemies was taken up by Lord Shelburne. By the beginning of December, when Parliament reassembled, preliminary treaties had been concluded with the Americans and with France and Spain, while an agreement with the Dutch Republic was known not to be far off. Ministers had already publicly accepted that the treaty with America would involve recognition of its independence. When the treaties were laid before both Houses of Parliament, the old Rockingham connection were very critical of them. In his notes for his speech Burke drafted, but evidently did not use, a violent denunciation of Shelburne, whom he accused of flying 'out like a bird of night to scream his ugly notes and mouse in the dark', instead of behaving like an eagle who 'provided for the eternal succession of his immortal progeny'. The 'grand objection' to the settlement, Burke wrote, was that 'it every where goes to the weakening of your naval power and creates a better interest in others with America than with you'.<sup>2</sup> By this he presumably meant that, while making 'extraordinary cessions' to the Americans, Shelburne had failed to reconcile them to Britain and had left them under French influence. In opposing the peace settlements, the Rockinghams were aligning themselves with Lord North and his followers who had supported the American War. This reflected a great shift that was taking place in the configuration of British politics.

Shelburne could have no realistic hopes for a parliamentary majority based on his own support. He had to do a deal with Fox or with Lord North to survive. Agreement with Fox was scarcely possible and in the event Lord North chose to throw in his lot with Fox, not

<sup>1</sup> *A Complete and Accurate Account*, p. 55; see also *Corr.* v. 17–18. In the debate on 9 July, Frederick Montagu (1733–1800), a Lord of the Treasury under Rockingham, had said that a 'provision' should have been made for Burke. He would have been delighted to have signed a warrant for a pension for him (*A Complete and Accurate Account*, pp. 3–4).

<sup>2</sup> MS. at Sheffield, Bk. 6. 165.

with Shelburne. By 14 February the coalition between these, on the surface, unlikely partners had been cemented and was known to the public, even though Burke's denial of his knowledge of it in his speech may well indicate a lack of enthusiasm for it. The supporters of Fox and the supporters of North joined in a more or less united assault on the treaties.

Mr. *Burke* rose as soon as his Lordship sat down,<sup>1</sup> and began his speech with laughing at the extraordinary modesty of the Address. He said, it was a new specimen of the versatility<sup>2</sup> of the Ministers talents.<sup>3</sup> At the commencement of the Sessions he had been extremely verbose in the speech from the Throne, and the Address that had been moved to echo back that speech.<sup>4</sup> In those circumlocutory productions the business was to promise much, and as little as those promises would probably be fulfilled, perhaps it was right to be lavish of words. In the Address now moved, where the Minister had given away to the enemies of this country with a prodigal hand, and had wasted a considerable share of the possessions of the empire thoughtlessly and unnecessarily, few words were judged to be wisest.<sup>5</sup> To give away a great deal, and to say nothing about it, was undoubtedly a singular instance of modesty, but, perhaps, the country would deem the verbose Address less exceptionable than that which was defended on the grounds of its modesty: at least, he was sure the country would less feel the consequences of the one than of the other; but the Right Honorable Secretary had adopted a stile of reasoning fit for the defence of such conduct. "True, (says he) the Peace is a bad one, but could you have made a better? Much has been given to the enemy, but thank God, that much is a *heap of rubbish*."<sup>6</sup> France, (said Mr. Burke) has obtained Tobago and St. Lucie<sup>7</sup> in the West-Indies, a dangerous extent of fishery,<sup>8</sup> all the forts and islands in Africa,<sup>9</sup> and a district in the East-Indies, which cannot fail to render France a formidable enemy, whenever war shall again break out.<sup>10</sup>

<sup>1</sup> Lord North had delivered a long speech condemning the treaties.

<sup>2</sup> 'versility' in original.

<sup>3</sup> Burke is referring to Shelburne.

<sup>4</sup> For the King's Speech read at the opening of the session on 5 December 1782 and the long Address of thanks for it, see *Commons Journals*, xxxix. 2-6.

<sup>5</sup> For the Address of thanks for the peace moved by Thomas Pitt (1737-93), later (1784) 1st Baron Camelford, an independent supporter of the government, see *Commons Journals*, xxxix. 231-2. Ministers intended that the speech should adopt a low-key rather than a triumphal approach to the peace.

<sup>6</sup> Thomas Townshend, the Home Secretary, had defended the peace as being 'as good as we had a right to expect' and had belittled the value of what Britain had given up (*Parl. Reg.*, ix. 259).

<sup>7</sup> The French had recovered St Lucia, taken by the British in 1778, and Tobago had been ceded to them.

<sup>8</sup> Off Newfoundland and in the Gulf of the St Lawrence.

<sup>9</sup> Factories in Senegal which the French had lost in the 1763 peace had been restored to them.

<sup>10</sup> The territorial gains made by the French in southern India under the treaty were of no significance.

To Spain we have ceded East Florida, and guarantied West Florida and Minorca.<sup>1</sup> To America we have given an unlimited extent of territory, part of the province [of] Canada, a right of fishery,<sup>2</sup> and other extraordinary cessions; and yet the Right Honourable Secretary tells the House, that what we have conceded is of little worth to us, and, in effect, a heap of rubbish. The Right Honourable Secretary, he contended, forgot, that this depreciation of what we had ceded to France, to Spain, and to America, but ill agreed with his other, and indeed his chief argument in defence of the Peace; namely, that being triumphant at the end of the last war, we insisted on terms humiliating to the house of Bourbon, and that now the House of Bourbon having the turn of the scale in the fortune of war, had a right to dictate terms of peace to us, and it was natural to expect, that she should insist on having those humiliating terms reversed. Is France then so moderate in the hour of her triumph, that she is contented with a mere nominal cession? does a heap of rubbish gratify her ambition? Modest House of Bourbon! humble in prosperity, self-denying, when she could best feed her vanity and her interest! Having pushed this point with considerable force of ridicule, Mr. Burke went into a cursory review of the several treaties, and particularly laid his stress on the cessions to France in the East Indies. He painted the articles that related to that subject as disadvantageous in the extreme, and took notice of Mr. T. Pitt's remark, that we had nothing to fear in that quarter, while we had a great General and a great Statesman at the head of affairs there.<sup>3</sup> With regard to the General, no man, he said, had a higher opinion of his bravery, his conduct, and his wisdom, than he had; so much had been done for his country by his judgment and his valour, that every thing was to be expected at his hands that military skill could achieve; but he must differ with regard to the gentleman described as a great statesman. Perhaps that great statesman would be proved to be a great delinquent, and that his projects of extending the territorial acquisitions of the country had nearly ruined, not only our commercial interests in India, but our very existence in that quarter of the globe. Having argued this very strongly, he came to a consideration of

<sup>1</sup> West Florida and Minorca had been captured by the Spanish.

<sup>2</sup> The Americans had made considerable gains on the Canadian frontier and had been able to retain most of the rights to fishing off Newfoundland and in the Gulf of St Lawrence which they had enjoyed as British colonies.

<sup>3</sup> These words of Pitt's seem not to have been reported. The general was Sir Eyre Coote (1726-83), 1st Baronet, Commander-in-chief in India. The statesman was Warren Hastings, the Governor General, of whose record Burke was already bitterly critical.



the Treaty with the United States,<sup>1</sup> a treaty; which in its preamble declared reciprocal advantage and mutual convenience to be its basis,<sup>2</sup> but which was full of the most important concessions on our part, without the smallest balance, or equipoise to support that reciprocity, it so much boasted. Had he been worthy to advise Ministers, in the making of that Treaty, he said, he would have advised them not to mention such a word as reciprocity. If the terms, from the necessity of our situation, were obliged to be such, as were replete with disgraceful concession, to talk of reciprocity was adding insult to injury. In like manner, if what this country owed the Loyalists, could not be obtained, (and why it could not, he was at a loss to imagine) he would not have said one syllable about those most unhappy men. Better to have left the whole to future negotiation, and to have been totally silent upon the subject in the Treaty, than to have consented to have set our hands to a gross libel on the national character, and in one flagitious article, plunged the dagger into the hearts of the Loyalists, and manifested our own impotency, ingratitude, and disgrace.<sup>3</sup> Mr. Burke said, there were some of the Loyalists, whose conduct he never had approved, because he had been persuaded it led to mischief and to ruin; but he had no right to say, that even such of them, as he had described, might not be influenced by

<sup>1</sup> In what seems to be a draft for the part of his speech on the American treaty, Burke had written: 'This peace therefore being the settlement in a new order of things is likely—to influence on G. B. in a more permanent manner than any other. A great Revolution has happened. A revolution, made not by chopping and changing of power in any of the existing States; but by the appearance among Mankind of a *new State* of a *new species* in a *new* part of the Earth. It has made as great a change in all the relations and balances and gravitations of power as the appearance of a New planet would in the System of our Solar World.

A wise and comprehensive mind, called upon at that awful moment instead of daring to promise magnificent things, but to do those that were necessary, would have made his peace with a view to that great change. He never would have let it for a moment out of his Eye. That ought to have been in his Eye and regulated and brought into shape and proportion every other part of the Treaty . . .

[He] would have well reconnoitred his own position and that of the Enemy. He would have endeavoured to place and secure his Country in that State of greatness which wise men preserved for it in all the <mutations of the world> when the growth of the house of Austria or the growth of the house of Bourbon changed the face of policy in Europe. Ministers knew that change, and they then took such measures, that Great Britain always kept not only her share but grew in power. On this new situation he would have had two objects in view. 1st to create an interest in the new State. 2ndly to secure yourself in Strength, supposing you should fail in this' (MS. at Sheffield, Bk. 6. 165).

<sup>2</sup> 'Whereas reciprocal Advantages and mutual Convenience are found by Experience to form the only permanent Foundation of Peace and Friendship between States; it is agreed to form the Articles of the proposed Treaty on such Principles of liberal Equity and Reciprocity . . .'

<sup>3</sup> The fifth and sixth articles dealt with loyalists. In spite of strong pressure by the British negotiators for guarantees for them, the Americans had insisted that jurisdiction over them was a matter for the states and so Congress could only 'earnestly recommend' that exiles who had not taken up arms against America should have confiscated property restored to them. Others would be free to try to recover their losses and there would be no further prosecutions for things done during the war. These provisions were widely denounced as a betrayal of the loyalists.

motives of purity, and looking at affairs through the medium of prejudice, instil into others those erroneous notions which they themselves had imbibed, and which they firmly believed. At any rate, it must be agreed on all hands, that a vast number of the Loyalists had been deluded by this country, and had risked every thing in our cause; to such men the nation owed protection, and its honour was pledged for their security at all hazards. How far any description of the refugees merited the titles of *Vipers* and *Traitors* bestowed on them by the honourable gentleman who moved the Address,<sup>1</sup> he would leave the world to imagine. He saw no use however in abusing and villifying those whom we had shamefully abandoned.<sup>2</sup> He took notice of Mr. Powis's attack on that side of the House for the coalition stated to have been formed that day, and maintained that there was nothing heterogeneous in such an alliance, if any such had been formed, which he was yet to learn.<sup>3</sup> He bid those that held such an opinion look at the Treasury Bench at that moment, and see the learned Lord sitting between the Chancellor of the Exchequer, and his honourable friend the Secretary of State.<sup>4</sup> He reminded the House of the frequent speeches of the latter, in opposition to that Administration which the learned Lord had on all occasions supported; and after creating some laughter at the expence of the present Administration, reverted to his original argument, that the Peace was disadvantageous and disgraceful. In answer to Mr. Powis's declaration, that the noble Lord in the blue ribband was the cause of it, he said, it by no means followed that we must submit to any terms, because the war had been calamitous and unfortunate. The success of the last campaign<sup>5</sup> gave us advantaged ground, and we had a right either to have conceded less, or to have obtained more.

<sup>1</sup> Thomas Pitt had called some of the loyalists 'vipers that had stirred on the flame which was the cause of most of our misfortunes' (*Parker's General Advertiser*, 18 Feb. 1783).

<sup>2</sup> Burke was later to welcome the Pitt government's plans for compensation for loyalists, see below, pp. 244–6.

<sup>3</sup> Thomas Powys (1743–1800), later (1797) 1st Baron Lilford, a much-respected independent M.P., had spoken with heavy sarcasm about the 'material advantages' and 'many blessings' for which the country was indebted to North and had wondered to see 'the lofty and strenuous assertors of regal united prerogative in alliance with humble worshipers of the majesty of the people' and, in an obvious reference to Burke, 'the most determined advocate of the influence of the crown going hand in hand with the great purifier of the constitution' (*Parl. Reg.*, ix. 252, 254).

<sup>4</sup> Henry Dundas, a supporter of North and of the American War, had thrown in his lot with Shelburne. He was evidently sitting between Pitt and Townshend, who had been strongly opposed both to North and to the war.

<sup>5</sup> Rodney's victory in the West Indies, the successful defence of Gibraltar, and British forces' ability to hold their own in India.

At the end of the debate an amendment critical of the treaties, proposed by the opposition, was carried by 224 votes to 208. On 21 February another opposition resolution that the gains made by Britain's enemies were 'greater than they were entitled to' passed by 207 votes to 190. It was clear that no administration headed by Lord Shelburne could survive. Even so, the King resisted the establishment of one dominated by Fox and North under the titular leadership of the Duke of Portland for as long as he could. It was not until 2 April that the Fox–North Coalition took office. Burke became Paymaster General of the Forces once again.

In a debate on 31 March Burke was to speak strongly in favour of the Coalition.

He said, that he had, during his eighteen Years in which he had been the Servant of the Public, acted with Men of every Description and Party,<sup>1</sup> and he adduced this as an Instance that Men might act with those of different Principles without forfeiting their own, or destroying that Propriety and Consistency of Conduct which he hoped he had always preserved: For he called upon any Person to produce an Instance in which he had been found deviating from that Line of Sentiment and Conduct he had professed. This had been his Conduct, and ever should be, while he remained Servant of the Public. He would never refuse concurring with any Men in a general System of Government, because they happened to conceive some political subordinate Points in a different Point of View. He was the Servant of the Public; he would not desert their Service through a Prejudice of Sentiment; it was as ridiculous to Common-sense as it was destructive to general Interest: But while he thought proper to act with Men of different Sentiments,<sup>2</sup> this did not tie him from deserting from their Alliance whenever those Sentiments should be found inimical to the Welfare of the Country.<sup>3</sup>

## Speech on American Trade Bill 7 March 1783

Source: *Parl. Reg.*, ix. 441–3.

The version of Burke's speech in *Parl. Reg.*, later reproduced in *Parl. Hist.*, xxiii. 611–14, is a compilation of two newspaper reports: most of it was drawn from the *Morning Herald*, 8 March 1783 with passages added from the *Morning Chronicle*, 8 March 1783.

That the newly independent America and Britain should commit themselves to trade as freely as possible with one another had been for Lord Shelburne a fundamental principle of any peace settlement. The American peace negotiators had made it clear that in principle they shared such an objective. Permitting an independent country to trade freely with Britain and its empire would, however, require extensive amendment by Parliament of the commercial regulations known as the Navigation Acts. In October 1782 the British Cabinet decided to postpone putting such complex and controversial issues before Parliament until the rest of the treaty had been concluded. A bill was then drafted for 'the Provisional Establishment and Regulation of Trade and Intercourse between the Subjects of Great Britain and those of the United States of North America'. The bill was intended to make

<sup>1</sup> He was reported to have added that it was 'almost impossible for any humble man like himself, the follower of the leaders of great parties to do otherwise' (*Morning Chronicle*, 1 Apr. 1783).

<sup>2</sup> He said that he had 'most cordially' joined with North, to whom he gave 'full credit for his future conduct' (*ibid.*, 1 Apr. 1783).

<sup>3</sup> Report in *Public Advertiser*, 1 Apr. 1783; shorter versions in *Parl. Reg.*, ix. 580 and *Parl. Hist.*, xxiii. 708.

temporary concessions to Americans, who otherwise would be 'as Aliens, liable to various commercial Restrictions and also to various Duties and Customs', which had not applied to them before the Revolution. Their ships would be allowed into British ports on the same footing as those of 'other Independant Sovereign States' and their produce would only be required to pay the same duties as British subjects paid on their produce. Furthermore, American produce could be carried in American ships into the remaining British colonies, where it would pay the same duties as were charged on British goods imported on British ships.<sup>1</sup> In the House of Commons the bill was entrusted to William Pitt, as Shelburne's Chancellor of the Exchequer. By the time a Committee of the Whole House began to consider the bill on 7 March, it was becoming clear both that the Shelburne government could not survive the adverse votes on the peace and that the bill was extremely contentious. The weakening of the Navigation Acts to the apparent benefit of American shipping, above all giving it access to the British West Indies, was being widely condemned. Burke took part in the debate, at first making some jibes against Shelburne's peace, but then offering a significant contribution to the developing controversies specifically about the nature of Britain's future trade with America and about wider issues of commercial policy. In general, Burke believed that concessions should be made to the Americans. What was generally regarded as the most effective pamphlet on the side of a liberal policy towards them<sup>2</sup> was written by Burke's long-standing friend and fervent admirer, Richard Champion.<sup>3</sup> To at least one contemporary it seemed to be 'Burke's disguised'.<sup>4</sup>

Mr. Burke laid at the door of Ministers all the mischiefs that were apprehended, and might arise from the bill; they were to be all ascribed to their neglect; and it was astonishing indeed, that in the course of *seven months* negotiation with the American Commissioners at Paris, not one commercial regulation to form an intercourse between the two countries, had ever been so much as talked of.<sup>5</sup> The interregnum which had now actually shewn itself, he feared had taken place many months ago, at least there had been, it was obvious, an interregnum of all attention to duty, and all regard for the first and most important interests of the country, when the provisional treaty was negotiated at Paris. To that interregnum, he verily and in his conscience believed, were owing the difficulties the House laboured under at that moment. Had not his Majesty's Ministers been guilty of the fatal neglect of not preparing and providing an article for the future regulation of this commerce of this country and America, when they negotiated the treaty with America, the House would not then have felt itself embarrassed as it did, how to proceed with the present bill. Mr. Burke said, that when he had heard that Mr. Oswald was sent over to Paris as a

<sup>1</sup> *Commons Sessional Papers*, xxxv. 71-4.

<sup>2</sup> *Considerations on the Present Situation of Great Britain and the United States of America with a View to their Future Commercial Connexions*, London, 1784.

<sup>3</sup> (1743-91).

<sup>4</sup> Francis Baring to Lord Shelburne, 12 June 1784, British Library, Add MS. 88906/1/1, f. 137.

<sup>5</sup> This was not the case. There had been commercial discussions.



negociator,<sup>1</sup> he took it for granted, it was to negotiate a commercial treaty. He could not possibly conceive that when the noble Lord at the head of administration,<sup>2</sup> had the most experienced geographer in the world at hand,<sup>3</sup> that he would have pitched upon a merchant to negotiate a geographical treaty. That noble Lord, instead of applying to those persons, who could have given him some information about the fisheries, Mr. Holdsworth<sup>4</sup> (member for Dartmouth) and Mr. Brett,<sup>5</sup> had sent merchants into the woods,<sup>6</sup> who could give him no assistance. The two negociators<sup>7</sup> having passed seven months without having done any thing for the commerce of the country, put him in mind of the two Irishmen, one of whom being asked what he was doing, answered—*nothing*; and of the other having been asked the same question, replied *I am helping him*; so that it looked like *cross-reading* (alluding to Mr. Whitford's propensity and talents)<sup>8</sup> to see men's talents, which nature designed for one line of business, employed in another for which nature had not qualified them. This surely was singular conduct in Ministers: but this was not all; for the provisional treaty, such as it was, was signed on the 23rd of November, and yet no plan, no system of commercial intercourse had since been formed; but in the month of March a crude and undigested bill is brought to Parliament without any previous communication with the Americans. However, such as it was, considering the necessity of the times, he would support the principle of the bill, though he disliked the clauses. Mr Burke displayed a great deal of humour in comparing this country and America to a man and a woman courting; he said, the present bill was somewhat like a courtship, if any were to take place between him and a lady, where the natural order of things would be reversed, and the lady would have much to give, he little or nothing to return. So, in the instance of the bill before the House, Great Britain was extremely fond in her wooing, and in her love-fit was ready to give largely; whereas, to his knowledge, America had nothing to give in return. A right honourable member, who had displayed

<sup>1</sup> Richard Oswald (1705–84), a great merchant with many American connections, had been chosen as negotiator by Shelburne.

<sup>2</sup> Shelburne.

<sup>3</sup> Burke presumably meant Sir Joseph Banks (1743–1820), 1st Baronet, President of the Royal Society.

<sup>4</sup> Arthur Holdsworth (c.1757–87), M.P. for the Devonshire fishing port of Dartmouth.

<sup>5</sup> Charles Brett (c.1715–99), also M.P. for Dartmouth.

<sup>6</sup> The allusion is to the fixing of the boundary between the United States and the British North American colonies. It was commonly held that the British negotiators had given away far too much owing to their ignorance of geography.

<sup>7</sup> Oswald and Caleb Whitefoord (1734–1810), a wine merchant, secretary to the British commission.

<sup>8</sup> Whitefoord wrote satires for the press called 'Cross-readings'.

an uncommon degree of commercial knowledge,<sup>1</sup> was afraid that we should lose our manufactures, by the emigration of our artificers, and the exportation of our working tools; as to the latter it was really not worth mentioning; it was one of the puerilities of our laws to forbid the export of manufacturing tools; but this was a farce; we might as well try to prevent the making of hay in America, by forbidding the exportation of scythes. As to the emigration of artificers, he did not think it possible to prevent it: nor indeed would it be very wise to attempt to prevent it; but still he saw little danger from this of our losing our manufactures; it was very well known, that before the war, 8000 persons used to emigrate in a year from the north of Ireland to America, and yet there never was a linen manufacture set up there; the reason was obvious; these persons betook themselves immediately to agriculture, and the grazing of cattle. The cheapness of land, and above all the idleness which necessarily attended upon this cheapness, and which was the greatest and principal boon that America held out to emigrants, naturally prevented men from thinking of manufactures; and while there was an immense extent of territory, of nearly 900,000 square miles, to attract the attention of the inhabitants to agriculture, we had no reason to apprehend, that they would be able for a very long time indeed, to rival us in manufactures. As to the provision trade, the American had it always, for they supplied the islands for years with provisions;<sup>2</sup> the loss of the sugar trade would indeed be a heavy loss, and perhaps it must be lost one time or other, but he did not apprehend that loss was near at hand.<sup>3</sup> As to Russia, he did not think that she could have any right to be offended. She had a right, indeed, to be treated as the most favored nation of any in existence at the time the treaty was made; but the case of America was a new case; it was a nation *sui generis*; and therefore was an exception to the treaty, and consequently might be treated better than Russia, without any breach of treaty.<sup>4</sup> Ireland might be said to be an independent kingdom, and yet no nation had ever expressed a jealousy at

<sup>1</sup> William Eden (1744–1814), later (1789) 1st Baron Auckland, had delivered a sustained assault on the bill which for many reasons, some of which Burke tried to answer, he dismissed as ‘utterly improper’. Were it to pass, Eden said, ‘the hour of calamity is now come’ for Britain (*Parl. Reg.*, ix. 431–7).

<sup>2</sup> Eden feared that if American ships were to be given free access to the British West Indies, the Irish provision trade would be ruined.

<sup>3</sup> Eden feared that sugar refining in England would be unable to compete with sugar exported from America.

<sup>4</sup> Eden had argued that if Britain gave trade privileges to a now independent America, these privileges would have to be extended to every other nation with whom Britain had most-favoured-nation treaties or she would be in breach of those treaties. He gave as an example the treaty concluded with Russia in 1766 for a period of twenty years and therefore shortly due for renewal.

her ships being more favored in this country than any other. With regard to Ireland herself, he had not a doubt but that she would readily adopt any commercial regulation that England might, in this instance, be under the necessity of making.<sup>1</sup> The principle that he wished to lay down, with respect to America would be, not to treat her subjects as aliens; he would rather still treat them as fellow-subjects, as far as he could;<sup>2</sup> and establish his regulations rather by an improvement of the old commercial system, than by the introduction of a new one. By the old laws, it was necessary that the American ships should be registered, and bring their certificates with them; now he would have all the prohibitory acts, and all those relative to the registering, repealed, and leave the American vessels in every respect as they were before, in point of trade.<sup>3</sup>

Edmund Jenings,<sup>4</sup> an American by birth who lived in Britain, reported a conversation in which Burke spoke at length about the bill and, after losing his temper, as he was prone to do at this time, made some robust comments about Anglo-American relations. Jenings began by observing:

that I thought the American Trade Bill, which was to come that day before the House, was not likely to Answer any good purpose, for that it was not founded on Equality & reciprocity; on which he broke out with so much warmth in Justification of it, that would have surprized me, if I had not been informed He was the father of it. . . .<sup>5</sup>

He told me, the Object of the Bill was to treat Americans not as foreigners, and that was a favor done them. That He thought it could be conferred better by the Medium of Parliament, which might certainly repeal its Laws, without causing any just alarm to other Nations; that a Treaty which might give any Extraordinary Advantages to the united States, would violate those which now existed with the Northern Nations, that however he imagined that this Mode would not now be adopted but that a Treaty would be entered into.

He considered the Bill in admitting the Produce of America into England free of Duty, as conferring such a favor & Boon as no Country besides enjoyed, that G. B. taxed the plank and Masts of Norway.

That the Prohibition of American Manufactures into Great Britain was of no Consequence as America had none.

That Parliament did not object to the Admission of real American Manufactures, but was fearful, that under Color thereof, those of other Countries would be brought hither and that it was Impossible to detect the Abuse.

<sup>1</sup> The Irish Parliament, which after 1782 was no longer bound by British statutes, had voluntarily pledged Ireland to observe the British Navigation Act, so long as Britain itself did. Eden argued that the proposed treaty would abrogate the Navigation Act and thus free Ireland from this obligation.

<sup>2</sup> The logic of American independence was that Americans ceased to be British subjects and became aliens. Burke was not, however, alone in hoping in vain for some other solution. Schemes for some sort of common citizenship were in contemplation during the peace negotiations.

<sup>3</sup> This was the fundamental issue on which Burke and Eden differed. For Eden and many who thought like him, American shipping must be excluded from the trade of the British empire. In a contribution to an earlier debate, Burke had been cautious on the contentious issue: access for American ships to the British West Indies. 'He had no objection, he said, to our treating America liberally', but Britain should expect concessions in return. Before Britain permitted American ships to become 'the carriers of our trade from the West Indies, we ought to know how far she was willing and able to give us something like an equal advantage' (*Morning Chronicle*, 6 Mar. 1783).

<sup>4</sup> (1731-1819).

<sup>5</sup> Burke had no part in the bill.

That if Americans objected to this regulation it showed disposition to Hostility.

That Great Britain could do, As she had done without America.

That she was not yet a conquered Country and ought not to be treated with Insolence, that America ought not to be insolent, to take warnings from the situation of G. B. that Americans who talked of Privileges, were so.

He was very fond of this language and applied the word insolent to every argument used against his Bill. . . .

This is the first time, I have had a free Conversation with this noted Man, if I may form an Opinion of Him from it, He seems to me to have but little Judgement with a most Peremptory Manner.<sup>1</sup>

Once the Fox–North Coalition was firmly in power, the much-amended bill was abandoned. Ministers announced that direct negotiations were to be opened with the Americans for a commercial treaty. Before these negotiations could make any progress, however, Britain unilaterally imposed a settlement that Americans regarded as highly unfavourable to them. By a proclamation of 2 July 1783, American ships were to be excluded from British colonies, including the much-prized trade from the mainland to the West Indies. This decision was taken by the Coalition in the face of the known desire of Fox and Burke for generous trade concessions. On this point it would seem that they were out-manoeuvred by Lord North and his associates. The proclamation rendered pointless further negotiations with the Americans.

## Speech on Powell and Bembridge

21 May 1783

Source: *Parl. Reg.*, x. 45–54, 57.

During a speech which lasted for ‘for above two hours’—another account put it at ‘nearly three hours’—Burke seemed, according to one newspaper reporter, to be ‘very greatly affected, giving evidence of the strongest sensibility’ in parts of what he said. ‘In others, he spoke more at ease; in some few with asperity; . . . in other places, again he sported with his accustomed share of fancy, imagination, and pleasantry, and interspersed what he said with abundance of apposite Latin quotations. It was utterly impossible for us to follow him either regularly or in full detail. What we have given above is a sketch of what our memory suggests as the most striking of his arguments’ (*Morning Chronicle*, 22 May 1783). The *Chronicle* and the *Morning Herald*, 22 May 1783 both attempted long reports, that of the *Chronicle* being the longer. The *Parl. Reg.* used the *Herald* version extensively together with extracts from the *Chronicle* and with much additional material that cannot be found in any newspaper.

The conduct of John Powell, Cashier of the Pay Office, and of Charles Bembridge,<sup>2</sup> its Accountant, was called in question in the closing stages of the winding up of the accounts of Henry Fox, Lord Holland, Charles Fox’s father. Fox had ceased to be Paymaster in 1765 and had died in 1774, but his final account was not submitted until October 1782. Shortly afterwards an additional sum of £48,799 was suddenly added. The clear implication was that, had they not feared detection, Bembridge, who had the money in his hands, and Powell, who was the executor of Lord Holland’s estate, intended to conceal the existence of that sum in order to defraud the public. Investigation by the Treasury Board led to what amounted to an admission by Powell and Bembridge that they had intended to conceal the money.<sup>3</sup> On the strength of this, Isaac Barré, who had succeeded Burke as Paymaster in

<sup>1</sup> Letter to John Adams, 11 Apr. 1783, Taylor *et al.*, eds., *Adams Papers*, xiv. 394–6.

<sup>2</sup> (d. 1794).

<sup>3</sup> T. J. Howell, ed., *A Complete Collection of State Trials* . . . , 34 vols., London, 1817–26, xxii. 2–4.



the Shelburne administration, dismissed both men and prosecutions were begun against them. Burke, when he became Paymaster again under the Coalition, reinstated them.

There is no reason to question the sincerity of the explanations for this highly contentious action that Burke offered in the speech that follows. He seems to have doubted that the two men's guilt amounted to much, while he had come to like them personally, and to admire their abilities on which, in his view, depended both the day-to-day running of the Pay Office and the reforms that he was trying to bring about. He felt a deep sense of pity for both of them, especially for Powell, whom the investigations had unhinged and who, shortly afterwards, was to take his own life. Due process, he believed, required that the men should remain in office unless and until they were convicted of an offence. Whatever may be thought of these arguments, Burke seems not to have reckoned with the sense of outrage that his actions would arouse in some members: a man who so prided himself on reform and frugality seemed to be showing an inexcusable lack of concern for the defrauding of the public.

On 24 April Lord Newhaven, who had crossed swords with Burke over his professed admiration for Franklin,<sup>1</sup> asked for the Treasury minutes of the investigation of Powell and Bembridge to be laid before the House. On 2 May their case was raised again. During the discussion, James Martin,<sup>2</sup> a vociferous critic of the Fox–North Coalition, called the reinstatement 'a gross and daring insult on the public'. Burke, 'in a violent fit of passion', was restrained from making an inflammatory retort by his colleagues, who pulled him back into his seat. On 13 May the House was told that Powell and Bembridge were to be prosecuted. In the light of that decision, on 19 May Newhaven withdrew his motion for the Treasury minutes so as not to prejudice the case. Other members, however, pressed for them to be submitted and a debate developed. Burke took the opportunity of apologizing for his outburst on 2 May and offered an explanation of why he had ordered the reinstatement, stressing that it was his decision alone, not a collective ministerial one.<sup>3</sup> A vote on whether the House should order the submission of the Treasury minutes was taken at the end of the debate. One hundred and sixty-one M.P.s voted against, while a substantial minority of 137 voted that the minutes should be submitted. Those who did so were seen as passing judgement against Burke. A prominent independent, John Rolle,<sup>4</sup> M.P. for Devonshire, was not willing to let the matter drop. He gave notice on 20 May that he would raise the question again. On 21 May he asked whether Powell and Bembridge were still in office. 'A single negative or affirmative would answer his question.'<sup>5</sup> Instead of a yes or a no, he got a statement from Burke that went on for up to three hours.

Mr. *Burke* said he was not a little embarrassed how to answer the honourable gentleman's question. However, since he had called upon him, he would endeavour so to explain himself to the House, as to give them satisfaction. He was sorry that any thing relative to him should prevent his honourable friend from bringing on the business relative to India, which he knew to be of a very important nature;<sup>6</sup> the delay however was not imputable to him, but to the honourable gentleman who had brought him

<sup>1</sup> See above, p. 127. <sup>2</sup> (1738–1810).

<sup>3</sup> For the fullest account of his speech, see *Morning Chronicle*, 20 May 1783; see also *Parl. Reg.*, x. 35–6, 42.

<sup>4</sup> (1756–1842), later (1796) 1st Baron Rolle. <sup>5</sup> *Parker's General Advertiser*, 22 May 1783.

<sup>6</sup> General Richard Smith (d. 1803) had reminded the House that resolutions based on the 7th Report of the Select Committee on Indian affairs were due to be considered.

(Mr. Burke) once more upon the scene, to walk in procession before the House:<sup>1</sup> he did not know whether the honourable member intended to honour him by making him walk first; for in some processions the place of honour was to walk first; in others, it was to walk last. The honourable member had put him *sur la broche*,<sup>2</sup> and, no doubt, as a *bon rotisseur* he would not give him a single turn more than he should find necessary; if he must be roasted, he should like to have the work neatly performed, least, like as it was said of the savages of certain parts of America, who roasted their prisoners, he should be obliged, after he was put upon the spit, to cry out to his *rotisseur*, "you are a bungling fellow, you don't know how to roast a man." He presumed he did not intend to do him the honour to make of him the principal dish for the day, but merely to serve him up as an *entre-met*.<sup>3</sup> Having travelled for a while in the region of allegory, he spoke seriously to the question that had been put to him. He took God to witness, that in restoring Mr. Powell and Mr. Bembridge to their places in his office, he was actuated solely by motives of justice; before he took that step, he had weighed all the consequences of it: and had passed many sleepless nights; but his fears were not, that he should bring himself to restore these gentlemen, but that he should not; so fully was he convinced, that in conscience he was bound to do it: he brought it at last to this consideration: what would be the consequence to these unfortunate gentlemen, if they should not be restored? What to himself if they should? The question being once stated in this point of view, he did not hesitate a moment to sacrifice his fears to the dictates of his conscience: the restoration followed of course; and in his opinion it was strictly founded in justice. He was not, however, wedded to his opinion; and he was ready to give way when so great a number of members of that House as 137 had, in some measure, appeared to censure his conduct; and the more so, as in that number he had seen some of his most respected friends; and who, he was convinced, would rather have voted with him than against him, if they did not think that he had been in the wrong.<sup>4</sup> To the opinion of that House he would ever bow; nor did he wish to take the sense of it by a division; it would be sufficient for him, if a few of the most leading members would give it as their opinion that the unfortunate gentlemen in question ought not to be kept any longer in their offices. To collect the sense of the House, it was therefore necessary for him to enter largely on the business, that his conduct might be fairly

<sup>1</sup> Rolle.<sup>2</sup> On the spit.<sup>3</sup> A sweet course.<sup>4</sup> Those who had voted on 19 May that the House should require the Treasury minutes to be submitted.

open to Parliament, as it was intentionally upright in his own breast. He thought, indeed, that Monday<sup>1</sup> had decided the matter, until a jury had acquitted or condemned the two clerks, but as he was mistaken in that supposition, he would again cheerfully submit his conduct to the House, and as they were disposed to think, so should he consider himself bound to act; he assured Parliament, that he had not spoken to one friend on this occasion. He did not solicit so much as the assistance of a single vote to support him, nor did he mean that this much-misrepresented transaction should stand on any other ground than its own good and innocent intention. It was now to stand the test of a second trial, and abide by a second judgment. He again repeated to the House, that their directions should implicitly be followed, be their sense of the business what it might; and as he was judged by them in regard to the past, so would he be decided by the same tribunal in the future. The oblique censure which the honourable gentleman's questions cast upon him did not a little affect him.<sup>2</sup> He wished to stand in estimation with the House—in estimation with the public; his whole life had been devoted to their service, and to forfeit their esteem would be his greatest misfortune. Yea or No were short monosyllables to decide so great a question as that which affected his honour in a most intricate business, nor could he give the negative or the affirmative to the honourable gentleman until the causes and effects were fully discussed. A very respectable minority had, it was true, thought his conduct censurable; but a majority equally respectable in character, and more decisive by numbers, had given him an opportunity to assert, that, by the collective sense of the House, he was not censurable. In that minority there were many of his personal friends, men with whom he held intimate acquaintance. They were entitled to every explanation in his power to give them on a subject where they had given their judgment without investigating the facts, and censured persons by a determination on what might be called *incognita causa*.<sup>3</sup> Minorities, it was true, of late, had been held respectable; and men plumed themselves on being in the smaller number, and having the sense of Parliament against their conduct only by a small majority. This they considered not as censure, but talked of it rather as an honourable mode of retreating from office, than as the sense of the people, that they were no longer worthy a continuance of his Majesty's favour.<sup>4</sup> But he held the opinion of the House of Commons in a different point of view, and should always look up to the majority as the tribunal by

<sup>1</sup> 19 May.<sup>2</sup> The questions of Rolle.<sup>3</sup> An unknown cause.<sup>4</sup> The Shelburne administration had been outvoted on the peace.

which his honour was to be condemned or acquitted. These were the regulating principles of his heart and his judgment; and to the sense of the House he should own passive obedience. With these sentiments, his conscience was so enlightened, that he should consider the censure of the House as one of the greatest external misfortunes upon earth; a medicine of the most nauseous kind. Public displeasure was indeed a bitter draught.

He then entered into a justification of his own conduct from his earliest days, the motives that influenced his conduct ever since he began the world, and said, that it was always his maxim to justify the order of Providence, and the disposition of the King. He talked of punishing a person antecedent to trial, as a measure that ought to be reprobated, and as one of those acts of cruelty that were unjustifiable in a land of freedom. When he came into office, when his Majesty was graciously pleased to give him the power of putting into practice that which he had stated in theory, he had it in view to be lenient—to be mild, and to look to the future, more than to that which was past. He foresaw the dangers, the difficulties, of scrutinizing the conduct of men in office, and bringing to trial those against whom there were many public complaints. Clerks in the Treasury were always odious to the vulgar idea, because it was generally understood that they could not there act honestly, or without peculation, and the public were at all times ready to punish them. The right-honourable gentleman then adverted to the motives which induced him to take up the great plan of reform, and in particular to abolish the subordinate treasuries.<sup>1</sup> He read an extract from his pamphlet in respect to that department,<sup>2</sup> and was proceeding more largely in to the discussion, and making some pointed remarks on party spirit in the present business, when he was called to order by

Rolle, who tried to halt Burke's flow by saying that all he wanted was a brief answer to his question as to whether Powell and Bembridge were still in office.

Mr. *Burke* said, the honourable gentleman, although not conversant in the business, yet was desirous to have it brought forward: but as explanations were not what he aimed at, he wished to have all justification laid aside. It was criminality the honourable gentleman looked for—not exculpation.

<sup>1</sup> Burke had stated that one of the main principles of his programme of economical reform was 'That all subordinate treasuries, as the nurseries of mismanagement, and as naturally drawing to themselves as much money as they can, keeping it as long as they can, and accounting for it as late as they can, ought to be dissolved' (vol. iii, p. 497).

<sup>2</sup> *Speech of Edmund Burke . . . on . . . a Plan for the Better Security of the Independence of Parliament and the Oeconomical Reformation of the Civil and Other Establishments*, London, 1780.



The principles of the plan of reform had hurt some men sorely, and several of them had lost that which they might never again possess. He knew he had made himself many enemies by that great bill of retrenchment;<sup>1</sup> but he was prepared to meet them, as what he did was for the public good. He had not, in his ideas of retrenchment, any other view; he had no guilt to palliate; no errors to excuse. He moved the address to his Majesty for the reform. His Majesty condescended, graciously condescended, to comply with the request of his Parliament;<sup>2</sup> and, as he before observed, he had the honour to be put in that situation of office which enabled him to justify his theory by practice. The right honourable gentleman, after some farther observations, took a view of part of the Administration of Lord Chatham in respect to the Treasury, and stated the situation of the balances in the Paymaster's disposal at that time.<sup>3</sup> From thence he came to the balances when he came into office,<sup>4</sup> and drew a picture of the Treasury, which he said exhibited the tears of ruin, and the cries of despair. He mentioned in pathetic terms, the death of the late Marquis of Rockingham, who he said was gone to a better place; and then he adverted again to his own situation, and was proceeding, when

Rolle again tried to stop him. The Speaker, however, ruled that Burke was entitled to answer questions put to him in his own way.

Mr. Burke proceeded, as he said, it was necessary for him to shew, and to convince the House, that it was not upon slight grounds he had restored them; and that no injury could possibly arise to the public from their restoration. When he was first appointed Paymaster General, he went into office with the most fixed resolution to introduce into it every reform that he should find necessary and practicable; but he was like to those, who, thrown upon an unknown coast, sent out persons

*Locos explorare novos—  
Quique colant; hominesne feræne.*<sup>5</sup>

<sup>1</sup> The Civil Establishment Act.

<sup>2</sup> See above, p. 141.

<sup>3</sup> 1766–7. Charles Townshend (1725–67), Paymaster in 1766, had balances of nearly £200,000 (*Commons Journals*, xxxviii. 390). He was apparently 'operating' for his own use with just under £100,000 (L. S. Sutherland and J. Binney, 'Henry Fox as Paymaster General of the Forces', *English Historical Review*, lxx, 1955, 256).

<sup>4</sup> The Commissioners for the Public Accounts had just investigated the balances held by Richard Rigby, Burke's immediate successor, which averaged £585,985 per annum from 1768 until December 1780. They concluded that there was 'a strong presumption', that he was holding sums 'much larger' than what was needed 'for carrying on the Army Services' (*Commons Journals*, xxxviii. 575).

<sup>5</sup> An adaption of Virgil, *Aeneid*, i. 306–8: to explore the strange country; to learn to what coasts he has come with the wind, who dwells there man or beast.

Mr. Powell and Mr. Bembridge were his most faithful assistants, and notwithstanding the sanguine hopes he entertained of the power of reducing to practice the reforms he had projected in theory, he took heaven to witness, that had it not been for the assiduity, fidelity and industry of these two gentlemen, he never could have been able to introduce the reforms which, he thanked God, he now saw established. An honourable member (Governor Johnstone) had, on a former occasion, said that theory and practice were two very different things; and what appeared most fine and specious in the one, could never be reduced, at least not without incredible difficulty, to the other.<sup>1</sup> The truth of this observation he had felt in the Pay Office; and if he could claim any right to public gratitude for the savings he had made there, he declared he was in conscience bound to share it with these two unfortunate gentlemen, whose zeal, knowledge of office, activity, and assiduity had removed difficulties, which he must otherwise have found insurmountable. In order to shew what merit Messrs. Powell and Bembridge had with the public, in rendering his theory practicable, he stated the balances which formerly lay in the Paymaster's hands; they amounted *communibus annis*,<sup>2</sup> for the last twenty years, to 600,000*l*; and in some years they were as high as 1,100,000*l*; these sums, thus lying in the Paymaster's hands, brought no superlucration to the public; and yet at 4*l*. per cent, were worth 24,000*l*. per annum, this was formerly the avowed perquisite of the Paymaster; so that with the salary, the place used to be worth 27,061*l*. here was of course a saving of 24,000*l*. a year to the public:<sup>3</sup> to this he added some other very large sums, which formerly brought no superlucration to the public; but which at present, from the reform in the Pay Office, effected a saving to the Exchequer of 23,000*l*. a year; so that the whole saving which already accrued to the public, from his plan of reform in the Pay Office, amounted annually to 47,000*l*. He praised their conduct as men of business, and religious integrity; said he ever found them just in their accounts, and attentive and indefatigable in their duty; that whatever merit he could claim in this reform, he must divide it equally with them: and that when he went out of office, he knew no men into whose hands he could so safely trust the remaining balances that were in the Treasury; and on his return to office, as he saw no account of ill conduct against them, no document to prove that they had erred, he certainly considered himself as justified in restoring them to their places. The Pay Office was formerly a

<sup>1</sup> This quotation from George Johnstone has not been identified.

<sup>2</sup> Annual average.

<sup>3</sup> Under Burke's reforms, the Paymaster no longer had access to the balances for his personal profit. His emoluments were limited to a salary of £4,000.

very fattening place, into which many a poor man had got, who came out very rich:—men who were weasels when they crept and twisted themselves at entering, but who soon grew so fat, plump and jolly there, that it was a difficult matter to get them out again. To himself he could answer that the allusion was not applicable, for he was still as lean as when he went in, and his determination was to destroy all that steam of fattening in future, which had too long been the custom hitherto. An honourable gentleman<sup>1</sup> had, on a former day, mentioned Caesar's wife,<sup>2</sup> but he knew not what was meant, as he had no acquaintance with that lady. He thought, and still maintained the thought, that the two clerks had been rashly removed; and this much he would say, that they were to him useful men, and without whom he could not have done the business. Mr. Bembridge at least was in that situation: his business was a heavy task, he had to make up the accounts of every troop of horse, and every company of foot, the staff officers, garrisons, remittances, extraordinaries,<sup>3</sup> and to attend to the memorials, and the official correspondents, exclusive of making up the Paymaster's accounts. This was a business not within the compass of every man's abilities; and to perform which, he was not able to discover any person in the office capable.<sup>4</sup> As to Mr. Powell, it was impossible that either he or any other Cashier could, as matters now stood, peculate the public money, nor, except by forgery, have a shilling from the Bank that was not *bona fide* wanting for the immediate calls of real debts.<sup>5</sup> The assertions made that the business could be done without these clerks, or men of equal abilities, were mere assertions only, and must be made by men unacquainted with the nature of, and totally unversed in the accounts of the Pay Office. It put him in mind of an arrogant lover who had a disposition to matrimony, and who entered into the conjugal state. The next morning after his bridal night, being asked by an intimate friend, "how often?" he replied "about fifty." "Then I am certain," says the other, "there was none." The office and the connubial situation are in those respects similar, much duty to be performed, and much strength required.

<sup>1</sup> Not identified.

<sup>2</sup> 'Caesar's wife must be above suspicion' was a common saying.

<sup>3</sup> Expenses incurred beyond the regular parliamentary grants for which retrospective parliamentary authority was sought.

<sup>4</sup> According to another account, Burke 'read to the House from a paper, in what the particular duties of Mr. Bembridge consisted. He said that gentleman was the life and soul of the office; that he had great talents and was perfect master of the whole of the business' (*Morning Chronicle*, 22 May 1782). Bembridge wrote to Burke thanking him for the 'very flattering encomiums you bestowed on me in the House of Commons' (letter of 23 May 1783, MS. at Northampton, A. v. 20).

<sup>5</sup> Under Burke's act, the Paymaster in making requisitions for money for the Treasury to pass on to the Bank of England had to specify precisely the services and the sum required.

Burke was interrupted when a newly arrived M.P. asked the Speaker what the topic for debate was.

Mr. Burke proceeded with a remark that he was not at all surprized at being so often interrupted, as the business he knew was disagreeable, whenever he touched upon the reform. He produced a letter from the inferior clerks, stating their inability to get through the business of the office, unless Messrs. Powell and Bembridge were restored, or some other persons appointed to their places, which letter he gave as another reason for his having restored them. The labour of the office he stated to be very great indeed, from eight in the morning until midnight, and therefore they dearly earned their salary. There were two ways, he said, before him, when he came into office last, either to restore the old or to take new clerks. The old to him were preferable, inasmuch as they must be much more useful to him than the new; and as they were so well acquainted with his plan of reform. And as there was not one of the inferior clerks on whose fidelity, care and accuracy, he could depend, he thought it most prudent for himself, and better for the public, that they should be restored. It was not to their pecuniary honesty, even was that suspected, that he looked; it was to their relieving him in his weight of business. But as he had never discovered any degree of guilt in their conduct, he was still more induced to have the assistance of the ability he had tried. Having urged this very strongly, he described Mr. Powell as a man as responsible as any in the kingdom, but so effectually unhinged by what had lately happened, that he had lost the power of his former functions, and was of very little use in the office, unless with a pen in his hand. He said, he was extremely nervous, and so exceedingly affected by some recent circumstances, that if he put a question to him for information, he could give no rational answer, but was thrown into an agony.<sup>1</sup> In keeping him in his situation, therefore, he could have no view, but a sense of justice, and a conviction, that he ought to protect a man so situated, and not by dismissing him, send him to his trial with a superadded colour of criminality upon him. He declared, he had passed several sleepless nights, in considering how he ought to act; that his fear was not, whether he should keep him in his office, but that he should not. The suggestions against him and Mr. Bembridge, he said, had acted upon his mind, like the suggestion stated by Shakespeare,

<sup>1</sup> Burke gave evidence to the Coroner's jury on Powell's suicide on 26 May 1783 that he had been insane for some time (*General Evening Post*, 24–7 May 1783).



Whose horrid image did unfix his hair,  
And made his seated heart knock at his ribs  
Against the use of nature?<sup>1</sup>

After much deliberation, and deep thought, he was convinced he had done right; if, however, his opinion misled him, and he had erred, he awaited the judgment of the House; he held it his duty to act for them; he had made an effectual reform: with their leave he would still go on, and extend that reform farther; but if they so far differed in sentiment, he had only to say, *nunc dimittis servum tuum*.<sup>2</sup> On these grounds he put himself upon God and his country, that he had acted for the best, and that he had done what appeared to him most conducive to the public good. He begged to remind the House, that the reform was his primary object, and that the proposition expressed the design, and necessity of making the reform entirely prospective, and not retrospective, to operate as a reform, not a punishment. It was easy to see, that if the difficulty of criminal prosecutions of offences was superadded to all others, such measures would have been impossible to be executed. He reminded the House, that the severity of all reform being odious and disagreeable to his nature, he never should have undertaken it at all, but on the faith of Parliament, that the modification should be admitted with the measure. He had succeeded in his reform by winning the affections of his subordinates; and instead of hunting them for long practised abuses, he had met them at Mr. Rigby's hospitable table in mutual kindness, and in joy and festivity, and there formed a connection with them, which enabled him do such essential service to the public.<sup>3</sup> He considered that connection as obliging him to tenderness and affection towards them; nor did he fear that malevolence could imply any wrong motive to those duties which men owe to each other, by being placed in the same office by God and their King. What was stated were all facts, and the conclusion inevitable.

In point of fortune Mr. Powell was a man sufficiently responsible for any sum of money, even if his trust had been pecuniary.<sup>4</sup> The criminality

<sup>1</sup> Burke's adaptation of Shakespeare, *Macbeth*, I. iii. 135–7.

<sup>2</sup> 'Now lettest thou thy servant depart in peace', Luke, 2: 29.

<sup>3</sup> Richard Rigby (see above, p. 119, n. 5) had been Burke's predecessor as Paymaster from 1768 to 1782. It was reported that Burke had invited the Pay Office clerks to dine with him, so that he could become better acquainted with them 'over a bottle' (*Gazetteer*, 2 Apr. 1782).

<sup>4</sup> Powell's officially recognized emoluments for 1782 were just under £8,000 (Account of Pay Office fees in MS. at Northampton, A xxviii. 17). He was reported to have left a fortune of £200,000 (*London Chronicle*, 27–9 May 1783).

against both were such as admitted much controversy, and would be controverted in a court of justice. That their guilt had been surmised from a kind of confession drawn from them,<sup>1</sup> which though it had induced the late Paymaster<sup>2</sup> to dismiss them, did not, as the minds of men are differently affected by the same circumstances, justify him in prejudicing the public service by refusing to employ men, of whose capacity, fidelity, and diligence, he had the greatest experience; and who had the approbation of all the great persons who filled this office for many, many years.

He shewed that official men, able enough in their department, but living always in habits of dependence, and much secluded from the world, were so timid and helpless, that he was sure the interrogatories of a superior might frighten any of them into a confession of any crime whatsoever. He said, he could not reconcile to his conscience to send men, in many respects so meritorious, after so many years service, whatever their faults might be, to a trial, already precondemned and ruined, one of them in fortune, and both in character.

Such were the circumstances of their restoration; to the authority of Parliament he was forced to submit. He had still great matters of reformation to propose to Parliament, he would do it, if the House did not refuse to let him exercise that lenity in the execution of them, which alone could prevent reformation from becoming prosecution; if otherwise, he should drop them.

The case of the two unfortunate gentlemen he left to the humanity and justice of the House.<sup>3</sup>

Rolle said that he was not satisfied and would name a day for the House to investigate the matter.

Mr. *Burke* begged pardon for not stating that Mr. Powell had resigned at his own request, and that Mr. Bembridge had offered to do so likewise, but on this he trusted the House would not insist; however, he would take the sense of the members by what might fall from two or three leading men, and not by division.

After further discussion,

<sup>1</sup> By the Treasury Board, see above, p. 167.

<sup>2</sup> Barré.

<sup>3</sup> In the closing passages of his speech, Burke, according to an M.P. who was present, 'exerted himself particularly and cried excessively two or three times' (C. Reid, 'Burke as Rhetorician and Orator', in D. Dwan and C. J. Insole, eds., *The Cambridge Companion to Edmund Burke*, Cambridge, 2012, p. 47).

Mr. *Burke* desired to understand, what his conduct was to be with respect to Messrs. Powell and Bembridge. He was, he conceived, to accept their resignations in compliance with the opinion of the House, and was not to be responsible for the consequences.

Rolle said he would be satisfied by the resignation of both men.

Mr. *Burke* repeated that he was not in that case to be considered responsible for the consequences, in the delays of office which their resignations would occasion.

With no question before the House, the debate fizzled out. Rolle raised the issue again on 2 June, when he sought reassurances that Bembridge had indeed been suspended. Burke would not give him a direct answer, but when Richard Rigby told him that Bembridge was suspended, he said he was satisfied.<sup>1</sup> Powell committed suicide but Bembridge was tried in King's Bench on 18 July. Burke gave evidence on his behalf. He repeated what he had told the Commons: he could not have carried through his reforms 'without the very great assistance I received from Mr. Bembridge'.<sup>2</sup> Bembridge was found guilty but granted a retrial. He was found guilty again and sentenced to six months imprisonment and a fine of £2,600.

## Speech at Buckinghamshire Meeting 20 March 1784

Source: *Public Advertiser*, 23 March 1784.

The *Public Advertiser* carried the fullest report of Burke's speech. The *Morning Chronicle*, 23 March 1784 provided the most complete account of the meeting as a whole. Draft passages and notes for the speech, and a draft of a protest in Burke's hand against the address adopted at the meeting, are preserved in MSS. at Sheffield, Bk. 25. 43 and 44.

The King had very much resented having the Fox–North Coalition ministry imposed on him in March 1783 and in the following December had seized on a chance of getting rid of them. A message was sent in his name to the House of Lords urging peers to oppose Fox's India Bill, of which Burke had been the chief architect and which he had defended with great force.<sup>3</sup> The bill was duly defeated and the Coalition resigned, being replaced by an administration headed by William Pitt. Pitt's government could not command a majority in the House of Commons but it actively solicited expressions of public support through addresses from counties and boroughs to the King commending his actions. What happened in Buckinghamshire was, from the government's point of view, one of the highlights of a very successful campaign throughout the country. In Buckinghamshire a county meeting was called at Aylesbury on 20 March 1784. As a Buckinghamshire landowner, Burke

<sup>1</sup> For the exchanges, see *Parl. Reg.*, x. 100–3.

<sup>2</sup> Howell, ed., *State Trials*, xxii. 66.

<sup>3</sup> See vol. v, pp. 378–451.

attended. An address, apparently circulated in advance, was proposed. It expressed loyalty to the King, thanked him for dismissing his ministers who had forfeited the confidence of his people, and assured him of the county's support in the just use of his prerogative. When Burke tried to speak against it, 'the hissing and hooting, with the cry of "*no Burke*," "*no Coalition*," "*no India Bill*," was so predominant, that it was impossible for him to attempt to speak'.<sup>1</sup> His 'very name, . . . disgusted his auditory, and occasioned more tumult and vociferation than ever was remembered in that county meeting before'.<sup>2</sup> Eventually Lord Mahon<sup>3</sup> was able to get him a hearing.

Mr. *Burke* said he perceived that they had made up their minds upon the Address, but nevertheless he should speak his sentiments upon it.—This had not been the first time that he had been hissed in public; he had received that mark of disapprobation upon former occasions, when his conduct had proved right in the end.—It would always be his maxim to pursue the good of the people without regard to their smiles or frowns.—He rallied Mr. Aubrey upon not having delivered his sentiments in Parliament upon the India Bill:<sup>4</sup> That was the proper place to discuss questions of so delicate a nature, and not popular assemblies like the present. He said the people were not competent to decide upon such points: they had approved of the American war in the same senseless manner they now disapproved of the India Bill: they had not capacity to comprehend it.<sup>5</sup> He had been for many years conversant in the affairs of India, and he solemnly believed that nothing less than such a Bill as Mr. Fox's could save that empire to this country; it was to give liberty to thirty millions of people, who now groaned under cruelty and oppression. He was going into a history of Bengal, but the meeting expressed some impatience, he desisted. He protested that he should ever esteem it the pride of his life, that he had supported that East-India Bill; when every other action of his life was forgotten, he desired that might be remembered, and might descend as a monument to posterity. He spoke of the necessity of supporting the House of Commons, particularly the present one, whose virtue and independence he estimated by the opposition which it had given to the Sovereign; he told them if they parted with the present House of Commons, they would not easily get such another; [*a loud laugh*]<sup>6</sup> He hoped

<sup>1</sup> *Public Advertiser*, 23 Mar. 1784.

<sup>2</sup> *Morning Post*, 24 Mar. 1784.

<sup>3</sup> See above, p. 114.

<sup>4</sup> John Aubrey (1739–1826), later (1786) 6th Baronet, had spoken about 'an infamous Coalition, the first fruits of which had been the India Bill, a measure that needed only to be mentioned to create abhorrence'.

<sup>5</sup> Such views exposed Burke to much hostile comment. He was said to have 'disgusted the Freeholders extremely by asserting that . . . they could not be expected to know any thing of the India Bill, or Prerogative, or Coalitions' (*Public Advertiser*, 23 Mar. 1783).

<sup>6</sup> Pitt was known to be on the point of asking the King to dissolve Parliament and call a general election.



that they did not prefer a House of Commons at the beck of the Crown, to one so independent as the present had shewn itself. He concluded with offering to satisfy any person of the rectitude of his conduct, who should be disposed to call on him for that purpose.

Lord Mahon spoke strongly for the address. 'Mr. Burke', he said, 'ought to be the last person to uphold the House of Commons in its present state, for he had resisted a material part of their reformation, having been foremost against shortening the duration of Parliaments. Thus he first prevented them from speaking the voice of the people, and then upheld them against the people.'<sup>1</sup> Mahon then moved the address thanking the King for dismissing the coalition and Pitt for his 'firm, disinterested, able and upright conduct as a Minister'. These resolutions and one that the address should be presented to the King by two M.P.s, other than the sitting members for the county, who were supporters of the Coalition, were all voted either unanimously or with at most two dissentients.<sup>2</sup> The 'principal freeholders' then dined at the George Inn, where they drank many toasts, including one that 'the Fox that attempts to burrough the Constitution may be hunted down by the People'.<sup>3</sup>

What a Foxite newspaper called 'the great and independent interest in the country, disdain to be so dragooned . . . entered into a warm and animated protest against the proceedings of the meeting'.<sup>4</sup> A draft of the protest survives in Burke's hand.

Because we do not conceive, that his Majesty's late Ministers had lost or deserved to lose any part of the publick confidence; that it is false in fact, that there was any appearance whatsoever of their not possessing it in the fullest measure, previous to advice given to his Majesty to remove them in a manner and upon motives the most dangerous and unconstitutional.

2. Because the address avows and justifies the removal by the Crown of Ministers on account of proceedings in Parliament, contrary to [the] freedom and subversive of the most known, most undisputed and most essential rights of both houses. 3. That his Majesty has no right to give any judgment on Bills or other proceedings depending there.

[4]. That the address in offering to support his Majesty's prerogative implies that there has been some attempt to violate that prerogative else the offer is wholly nugatory. If it implies this it implies what we are convinced is not true, and that it is an unfounded and dangerous reflexion on the proceedings of the House of Commons.

5. We object to the thanks given Mr. Pitt as we do not think [his] conduct either in the mode of his acquiring his present place or in his behavior to the House of Commons does at all merit any acknowledgements whatsoever on the part of the people.

Being therefore fully persuaded that the Liberty of the Subject, and the prosperity and honour of the Nation does depend and always has depended, on the weight allowd by the Crown to the salutary counsels of the House of Commons—we request that the Members of this County, will persevere in their honourable Course of maintaining the dignity and authority which that House holds in Trust for the people of this Kingdom and which cannot be impaired without leaving the Liberties in a precarious condition.

That this protest and our request be communicated to Lord V and Mr. G.<sup>5</sup>

<sup>1</sup> *Gazetteer*, 23 Mar. 1783.

<sup>2</sup> *Morning Chronicle*, 23 Mar. 1783.

<sup>3</sup> *Public Advertiser*, 23 Mar. 1783.

<sup>4</sup> *Gazetteer*, 23 Mar. 1783.

<sup>5</sup> MS. at Sheffield, Bk. 25. 44. Ralph Verney (c.1712–91), 2nd Earl Verney, and Thomas Grenville (1755–1846) were the sitting members for the county. Both supported the Coalition and both were to lose their seats at the general election.

## Speech on Moving Representation 14 June 1784

Source: *Morning Herald*, 15 June 1784.

There were at least three substantial newspaper versions of this speech, all on 15 June: in the *Morning Chronicle*, the *Public Advertiser*, and, the longest of the three, the *Morning Herald*. The *Morning Herald*'s report was reproduced in *Parl. Reg.*, xv. 151–6 and *Parl. Hist.*, xxiv. 943–8. Notes and drafts which seem to be related to this speech are preserved in MSS. at Sheffield, Bk. 25. 42, 45, 55, and 61.

The general election of 1784 went badly for the Coalition, which lost some ninety-six supporters.<sup>1</sup> The new session of Parliament, with the Pitt ministry now enjoying a comfortable majority, began on 18 May. On 24 May the usual Address of thanks for the King's Speech was moved by ministerial supporters. Burke strongly objected both to the King's Speech and to the Address. His disciple William Windham<sup>2</sup> wrote that he drafted a 'a spirited and dignified defence both of the late Parliament and of the party, against the calumnies of the court and nation', which he hoped that the opposition would adopt as an amendment to the Address. His proposal was, however, 'rejected, or, more properly, disregarded and neglected' by his colleagues.<sup>3</sup> Instead, Burke warned the House on 31 May that he intended to bring before it on his own account 'a Proposition upon the King's Speech and Address'.<sup>4</sup> His Proposition, presented as a Representation to His Majesty, swelled into a very lengthy document. It dealt with the constitutional issues raised by the King's actions in defeating a bill that had passed the Commons by securing a majority against it in the House of Lords, after peers had been given intimations of the King's hostility to it, and then by granting a dissolution so that the new ministry would be supported by the majority which it had lacked in the previous Parliament. Beyond the great constitutional issues of the proper use of the royal prerogative and of the relationship between the two Houses, Burke saw another portentous question: how far should Parliament be guided by 'the sense of the people'? As a good Whig, Burke was not in any doubt that politicians must be responsive to the wishes of 'the people', properly defined and properly expressed.

[H]e was ready to confess that the sense of the people, however erroneous at times, must always govern the legislature of this country; but it was difficult to collect that sense; and it was sometimes the duty of the better informed and more enlightened part of the community, to resist the sense of the people, when it appeared that the people were deceived, or misled.

He was convinced that the sense of the people had been profoundly mistaken on recent important issues: the American War had been popular, the petitioning movement in 1780 and 1781 had pursued objectives beyond those that he regarded as acceptable, and the addresses solicited by Pitt as well as the result of the 1784 election in popular constituencies showed that the Coalition and its India Bill were genuinely disliked. 'It is true', he wrote in notes for this speech, 'that the popular opinion must be admitted as a rule of conduct with very many exceptions and qualifications.' But to follow it in 'all circumstances and in all

<sup>1</sup> Cannon, *Fox–North Coalition*, p. 216.

<sup>2</sup> (1750–1810).

<sup>3</sup> Windham to S. Parr, 25 May 1784, J. Johnstone, ed., *The Works of Samuel Parr*, 8 vols., London, 1828, vii. 337.

<sup>4</sup> *Parl. Reg.*, xv. 49–51, 52; notes in Burke's hand at Sheffield, Bk. 25. 61 relate to this speech.

cases whatever [is] a perfect rule of submission'.<sup>1</sup> His concern was to maintain 'an independent House of Commons . . . equally an Enemy to indefinite prerogative, and to wild unprincipled Liberty'.<sup>2</sup> He intended to confront the House with these great questions even if he saw no prospect of getting a sympathetic hearing. He felt that the opposition must define its principles and make a statement, as he explained to William Windham, 'signed by all public men who like to sign it,—Peers, Commoners, Members of the late Parliament and others and addressed in effect to all Europe'.<sup>3</sup>

Mr. *Burke* then rose to make a motion relative to the King's speech, of which he gave the House notice last week.<sup>4</sup> He began by modestly saying that he had undertaken a task, to which he knew his abilities were not equal; but in so doing, he felt that he differed not from the rest of mankind, who seeing an occasion for a great exertion of humanity, followed the impulse of their feelings, without being deterred by the consideration, that their exertion would be to no purpose. He declared that in what he was about to do, he acted solely from himself, without having consulted any man upon earth: the question therefore that he intended to propose, ought not to be considered as a party question; it was exclusively his own; and therefore there would be no cause for triumph, if it should be rejected, as it was the measure of an inconsiderable individual; and as he was resolved to conform to the sense of the House, he would not call for a division, if he should find his proposition was not universally approved.

At this time of day, he observed, the question might not appear of very great consequence to some gentlemen; but to him it appeared to be of so great a magnitude, that it occupied his whole mind; and he was not ashamed to say that his soul was full of it: a Parliament had been sentenced, condemned and executed, and no notice had yet been taken of so great and extraordinary an event! If the meanest subject in the land had died suddenly, or by violent means, an inquest would have taken cognizance of the case, and enquired into the causes of his death: but the Parliament of Great Britain had been put to a violent death, and no Coroner had yet held an inquest on the body! No enquiry had been made whether it had been *felo de se*, or *jure cæsus*!<sup>5</sup> Did the people then think the sudden death of Parliament was a subject too trifling for enquiry? Or did they think that all which might have been apprehended from such a death, had perished with the Parliament? He feared, alas! that the fatal consequences of it would long survive it, and be entailed on future Parliaments.—Much had been said of

<sup>1</sup> See below, p. 184.

<sup>2</sup> *Corr.* v. 143.

<sup>3</sup> Windham to Parr, 25 May 1784, Johnstone, ed., *Parr Works*, vii. 337.

<sup>4</sup> On 31 May.

<sup>5</sup> Suicide or legally justified death.

the sense of the people as the grounds on which Ministers might rest their defence of the late dissolution;<sup>1</sup> and on this head he was ready to confess that the sense of the people, however erroneous at times, must always govern the legislature of this country; but it was difficult to collect that sense; and it was sometimes the duty of the better informed and more enlightened part of the community, to resist the sense of the people, when it appeared that the people were deceived, or misled. For his part, he did not think that the wiser part of the Public approved of the dissolution of the late Parliament, or disapproved of the measures which avowedly were the occasion of that event: the people, in his opinion, might be divided into *three* classes, one composed of persons who, dazzled with the lustre of the Crown, could never bring themselves to think that Government may be in the wrong, they were the political *high-flyers*, who made it a point to support the Crown *à tort et à travers*:<sup>2</sup> this class, he said, was very numerous; and in it, he was sorry to add, were to be found many very respectable characters. In the second class he placed those who, the sworn enemies to the Crown, were ever ready to fall upon the House of Commons, because they conceived that House to be the constitutional guardians and defenders of that species of monarchy which in this country had ever been thought necessary for the well-being of government. These two bodies of men, he said, generally united in running down the House of Commons, though with the most opposite views.—The third class consisted of all those persons who did not enter into the other two; they were the moderate and impartial, who, alike friends to the Crown, and to the democratic part of the constitution, wished to maintain both in the full enjoyment of their respective prerogatives and privileges. Of these he would not hesitate to say, full three-fourths went heart and hand with the late House of Commons; the other fourth part, he believed, had been driven by misrepresentations into a confederacy with two classes of men whose principles they equally detested, the lovers of absolute monarchy, and the sworn enemies of every species of monarchy.—He trusted, indeed, that many of them had lately been undeceived; it was the duty of the House of Commons to warn the remainder of the dangers to which they exposed their liberties, through the delusion under which they acted. He feared there was a settled plan to destroy, not the form, but the essence and

<sup>1</sup> The King's Speech of 19 May 1784 had expressed his 'greatest Satisfaction' in meeting Parliament after 'recurring, in so important a Moment, to the Sense of my People'. In their Address of 24 May the Commons had thanked the King for 'recurring to the Sense of his People'.

<sup>2</sup> Without rhyme or reason.



efficacy of the House of Commons. Doctrines, big with danger to the constitution, had been broached within the two last years, first by the noble Lord who was at the head of the Administration before the last (the Earl of Shelburne), and lately revived by the Minister who had received his political education at the feet of that Gamaliel.<sup>1</sup> In a speech from the throne, at the opening of the session before the last, the King was made to say by that Minister, that the *people* expected unanimous exertions on the part of the House.<sup>2</sup> This assumption of the *Tribunitian* power by the Sovereign, was truly alarming. When Augustus Caesar modestly consented to become the *tribune of the people*, Rome gave up into the hands of that Prince the only remaining shield she had to protect her liberty.<sup>3</sup> The *Tribunitian* power in this country, as in ancient Rome, was wisely kept distinct and separate from the executive power: in this government it is constitutionally lodged where it ought naturally to be lodged, in the House of Commons; and to that House the people ought first to carry their complaints, even, when they were directed against the measures of the House itself: but now the people were taught to pass by the door of the House of Commons, and supplicate the throne for the protection of their liberties: hence the dissolution of the late Parliament, pretendedly in obedience to the sense of the people; from addresses the sense of the people had been collected, and not from the House of Commons.<sup>4</sup> But he warned the people to beware of this *double* House of Commons, which Ministers were erecting on the foundation of their delusion; the Commons of England in Parliament *assembled*, and the Commons of England in corporation and county meetings *dispersed*;—an artful Minister would craftily play off the one after the other; he would make use of a pliant House of Commons

<sup>1</sup> Pitt. Gamaliel was the instructor of Saul of Tarsus; Acts 22: 3.

<sup>2</sup> 'It is the fixed Object of my Heart to make the general Good, and the true Spirit of the Constitution the invariable Rule of my Conduct: . . . To insure the full Advantages of a Government conducted on such Principles, depends on your Temper, your Wisdom, your Disinterestedness, collectively and individually. My People expect these Qualifications of you, and I call for them' (Speech from Throne, 5 Dec. 1782).

<sup>3</sup> Tribunes in the Roman Republic were elected officials whose duty was to protect the rights and advocate the interests of the plebeians. The emperor Augustus (63 BC–AD 14) assumed the tribunicial power in 23 BC.

<sup>4</sup> 'The Sense of the people has been pleaded, and, on a very attentive consideration of the matter I think it is, or at least was on the whole, decisively against the proceedings of the last Parliament. That it expressed a very great Jealousy of the faculties and privileges of the House of Commons; and little or none of the powers and claims of the House of Peers; and full as little of almost any use of the Prerogatives of the Crown.

I have taken pains to come to the Sense of the people; I do so in all cases. It is not honest to deceive others; and it is not wise to deceive oneself. It is true that the popular opinion must be admitted as a rule of conduct with very many exceptions and qualifications, it is in all circumstances and in all cases whatever a perfect rule of submission' (MS. at Sheffield, Bk. 25. 61).

to oppress the people; and he would make use of a deluded House of Commons, dispersed through the country, to awe a refractory or independent collected House of Commons. If the proceedings of the late Parliament had been really disagreeable to the people, why had they not petitioned that House against those proceedings? If they had petitioned, and their prayer had been disregarded, or treated with contempt, then addresses to the Throne for a dissolution of Parliament, would have been extremely proper; when public œconomy became the general wish of the people, petitions were presented, not to the Crown, but to the House of Commons; but means had been contrived of late so to delude the people, as to make them the very instruments of the degradation of that branch of the Government; the destruction of which must necessarily be attended with the loss of their liberty.<sup>1</sup> The East India bill had been made the specious pretext of the dissolution; it was represented as a violent attack upon the franchises of the people, an invasion of the royal prerogative, and a medium through which the late Ministers intended to have secured to themselves a power paramount to every power in the kingdom. In defence of that bill he said that it did not appear reasonable that the proprietors of East India stock should in future retain in their hands a power which they had so grossly abused; by which they had plundered and rendered miserable many millions of persons, who were under the protection of this nation; a power which had enabled them to enter into the most unjust and impolitic wars, the consequences of which brought very heavy expence upon this kingdom. As to the invasion of the royal prerogative, he was surprised to hear that brought as a charge laid at the door of the East-India Bill. The power of making war, and of carrying it on where and in what manner he pleased, was certainly one of the first and greatest prerogatives of the Crown; and yet the late House of Commons not only addressed the King not to carry on the war on the continent of America, but went so far even as to vote that man an enemy to his country who should advise the carrying of it on, or who should assist in it;<sup>2</sup> so that though Sir Henry Clinton, for instance, was bound by the mutiny act to obey the King's orders, as Captain General of

<sup>1</sup> More than 200 addresses had been sent to the Crown supporting the dismissal of the Coalition and the formation of the Pitt ministry. The scale of the petitioning greatly exceeded that for economical reform in 1780 (Cannon, *Fox-North Coalition*, pp. 186–8). Burke accepted that it was 'the very Life and Soul of the Constitution' for 'the sense of the Commons of Great Britain to be conveyed to the Crown', but the proper way was for this to be done through the House of Commons', not for the Crown to receive petitions directly and to claim to be able to interpret the sense of the people against the Commons (MS. at Sheffield, Bk. 25. 55).

<sup>2</sup> Resolution of 4 March 1782, *Commons Journals*, xxxviii. 868.

the forces, and was even liable to be shot if he should refuse to obey them, still the resolutions of the House of Commons would attach<sup>1</sup> upon him, and suspend the whole system of military subordination; and yet that resolution had been supported by the warmest friends of the present Minister, and by himself; and no one ever thought of making it a ground for the dissolution of the Parliament. As to the patronage of the East India Company, which it was said Ministers intended to make the means of rendering themselves paramount to the Crown, he observed, that those who were at this moment in full possession of that patronage (the Company) were very far from being independent of the Crown, so far from being paramount to it; and he could assure the House, on his conscience, and on his honour, that the persons who were to have been at the head of the Company's affairs, had been busied in devising means by which they might have put it most effectually out of their own power to derive any emolument, or parliamentary support, from their situation:<sup>2</sup> and he himself had made it a point to shut his ears to every application that had been made to him for his influence with those who were to have been in the direction of India affairs, under the bill brought in by his Right Honourable Friends, to the truth of this assertion, he called God to be his witness; and he assured the House that, by his conduct on that occasion, he had made himself many enemies, and not one friend. But had his Right Honourable Friend's bill been as bad as some people had represented it to be, still he would maintain that the King could not, constitutionally speaking, assign the existence of such a bill, as the reason for his dissolving the Parliament; for, in the first place, he ought not to have known that a bill was in existence;<sup>3</sup> and in the next, the House had a right to entertain whatever bill it pleased, even if it were possible that it should be treasonable, or if it were even for lopping off a whole branch of the prerogative; a bill of exclusion had been entertained by Parliament;<sup>4</sup> and if the day should come, when either a Member of the House, or the whole House, could be made responsible for a part taken in any bill, on that day would the liberties of England expire. An attack might be made on the prerogative by the House of Peers; and yet that would be no ground for a dissolution, as the Peers of the new Parliament would be

<sup>1</sup> 'attack' in original.

<sup>2</sup> Fox's bill named seven commissioners to manage the affairs of the Company.

<sup>3</sup> This is a puzzling assertion. It was constitutionally proper for the King to be informed in advance of legislation, and indeed Fox and his colleagues insisted that the King had been shown the India Bill and had not objected to it (Cannon, *Fox-North Coalition*, pp. 125-6).

<sup>4</sup> The Exclusion Bill of 1680 was to make it impossible for James, Duke of York, later James II, to succeed to the throne.

precisely the same who attacked the prerogatives in the last.—This was a time which called upon the House to oppose doctrines, which seemed to be gaining ground: a noble Lord (Shelburne) had often mentioned the *balance* of the different branches of the constitution<sup>1</sup>—but for his part he reprobated the idea; this was not a government of *balances*:<sup>2</sup> and a noble Duke (Richmond), in his letter to the Volunteers of Ireland, had positively rejected the idea of a balance, for he would not allow the King a negative on the acts of both Houses; as it would be strange indeed (observed his Grace) that *one* man should have it in his power by his negative, to counteract the wisdom of the Lords and Commons, or in other words, of the whole nation.<sup>3</sup> This observation, Mr. Burke said, might as well be applied to the

<sup>1</sup> Burke dealt more fully with Shelburne's ideas in the *Representation* (see below, pp. 195–6).

<sup>2</sup> In his MS. notes for this speech, Burke sketched his objections to the theory of balance. 'The Evil of this age consists in the bold confident Theories of unlearned and inexperienced men. And many choose to resort to those Theories not to the Records of Parliament and the Practice of the Constitution. I have read in some bad theoretical Books of such a Balance and that there are three parts of the Legislature strictly equal to each other; and that on this exact counterpoise the excellence of our constitution depends.

It is a vain and dangerous fiction, without a shadow of authority to support it, without the least pretense of reason to recommend it. . . . The three parts have their separate powers and privileges. But no balance or equality exists or ever was intended between them—and the very attempt to introduce such a balance can answer no purpose but to throw every thing into confusion. We have heard but very lately of the Negative of the Crown—Suppose it should be said that a mere negative without deliberative power was not a just portion of the Legislative balance of the Crown.

Most assuredly if their legislative rights are *equal* it is not—a Negative is not equal to an introductory or deliberative voice. But then is the Crown in order to produce that just and equal balance either to assume to itself the power of bringing in Bills—of interfering to stop them as it has lately done in their Course by promises or Menaces. Is this right or even tolerable—that for obtaining a Balance a negative which hardly existed in Speculation is to be turned into a regular part in Legislation? [T]ake it the other way, is it safe for the Crown that this wild beast of Theory should be let loose? What shall we say of that very right of Negative on the idea of a *just* balance. Does not the Duke of Richmond say, that he is not for admitting even a Negative in the Crown; because he does not think it ought to be in the power of *one* man; to prevent the wishes of the whole Community? This indeed in Speculation is infinitely absurd—but is it only absurd in the Crown? Does not the same charge of absurdity lie against a constitution which gives to two hundred men (in whom the people have no choice,) a power of obstructing the whole community?' Burke concluded with suggesting that 'the House of Lords is not satisfied with their share'. Shelburne and Richmond, he surmised, 'both agree that we are guilty of usurping power which we must restore. . . .

But they may have another meaning—and though speaking of Legislative Rights, their Ideas may be more extensive; and they may mean to charge that in the exercise of the other powers used by this house which are not Legislative—but rights and powers of the Law and usage of Parliament belonging to the House of Commons. Now these rights are either usurped or absurd' (MS. at Sheffield, Bk. 25. 45). Although Burke here denounces those who invoked the concept of 'balance', it is one that he used himself. For instance, in his *Speech at the Conclusion of the Poll at Bristol* in 1774 he had spoken of 'a constitution made up of balanced Powers' (vol. iii, p. 70), in his speech in 1781 on economical reform he had described the two Houses of Parliament as 'a balance' against the Crown (see above, p. 49), and in the *Appeal from the New to the Old Whigs* he was again to write of 'balanced powers' (see below, p. 395).

<sup>3</sup> Once a leading Rockingham magnate, Richmond had in Burke's view strayed far from the fold in becoming an advocate of universal manhood suffrage and taking office under Shelburne and under Pitt. Burke is quoting from what Richmond had written in *Letter from the Committee of the Ulster Volunteers to the Duke of Richmond; The Duke of Richmond's Answer: Together with a Bill for Parliamentary Reform*, Belfast, 1783, p. 15.



House of Lords; for it would be a strange thing if 200 Peers should have it in their power to defeat by their negative what had been done by the people of England. He concluded by observing, that if the measures of the late Parliament were unconstitutional, they ought to be condemned and censured; if, on the other hand, they were strictly constitutional, it was the more incumbent on the present House to defend and maintain them, as the last House was said to have been put to death for having supported them.

Burke then moved for a Representation to his Majesty.

When Mr. *Burke* produced his written motion, the House broke into a loud and universal fit of laughter, the paper it was written on being folded like a lawyer's brief, and appearing as voluminous, as that of a long-cause in Chancery. Mr. Burke said, he meant his motion as an Epitaph on his departed friend, the last Parliament: that he always wrote *long* Epitaphs to the memory of those that had been *dear* to him; and on the present occasion, he proposed to follow the corpse to the Sepulchre, and go through the ceremony of saying, 'Ashes to ashes, and dust to dust,' in sure and certain hopes, through the merit of the good work of the last Parliament, that it would have a glorious and joyful resurrection and become immortal.<sup>1</sup>

When he began to read the motion, a young member called out 'read out louder', upon which Mr. *Burke* said, he deserved to be tormented for having taken up so much of the time of the House, but that they must not wonder at the length of his motion, because they ought to consider that even when a single drop of poison only had been swallowed, it required large galenical draughts to purge it away: he added some other pleasantries about Ward's Drops, Leake's Pills, and the different most notorious quackeries.<sup>2</sup>

Burke formally read a few words and then passed his Representation to the Speaker, who took 'more than an hour' to read it out. No discussion followed and the motion was negatived without a division. It was, however, printed in the *Journals of the House of Commons*.<sup>3</sup>

Whatever their feelings might have been about the method that Burke had chosen to publicize his views, contemporaries seem to have found the speech striking. The *Morning Chronicle*, at this time sympathetic to him, thought it comparable to his speech on Fox's India Bill. It is 'to be rated at the top of modern eloquence. No speech ever comprehended a greater extent of weighty considerations; none was ever delivered with more power of language and beauty of illustration.'<sup>4</sup> The much less sympathetic *Public Advertiser* still conceded that 'The Praise of Mr. Burke's celebrated Speech cannot be more general' than the dissatisfaction with its content.<sup>5</sup>

## *Representation to His Majesty*

14 June 1784

Source: *A Representation to His Majesty, Moved in the House of Commons, by the Right Honourable Edmund Burke, and Seconded by the Right Honourable William Windham, on Monday, June 14, 1784 and negatived. With a Preface and Notes*, London, J. Debrett, 1784.

<sup>1</sup> Burke is adapting the words of the Burial Service in the *Book of Common Prayer*.

<sup>2</sup> *Morning Chronicle*, 15 June 1784.

<sup>3</sup> Vol. xl. 198–204.

<sup>4</sup> 18 June 1784.

<sup>5</sup> 21 June 1784.

The *Representation* was printed in the form that Burke presented it in *Commons Journals*, xl. 198–204. He was not, however, content with that. He was resolved, he wrote, to reprint the *Representation* as ‘a separate Pamphlet with Notes and references; to send it to every part of the Kingdom and to get it translated into French and to circulate it in every Country in Europe’.<sup>1</sup> The pamphlet version, published by John Debrett, appeared on 5 July 1784. Debrett reprinted it in 1785. A reprint was published in Ireland in 1784. Throughout the pamphlet, Burke assumes the role of the ‘editor’ of another person’s work.

## PREFACE

THE *Representation* now given to the Public relates to some of the most essential privileges of the House of Commons. It would appear of little importance, if it were to be judged by its reception in the place where it was proposed. There it was rejected without debate. The subject matter may, perhaps, hereafter appear to merit a more serious consideration. Thinking men will scarcely regard the *penal* dissolution of a Parliament as a very trifling concern. Such a dissolution must operate forcibly as an example; and it much imports the people of this kingdom to consider what lesson that example is to teach.

The late House of Commons was not accused of an interested compliance to the will of a Court. The charge against them was of a different nature. They were charged with being actuated by an extravagant spirit of independency. This species of offence is so closely connected with merit; this vice bears so near a resemblance to virtue; that the flight of an House of Commons above the exact temperate medium of independence, ought to be correctly ascertained, lest we give encouragement to dispositions of a less generous nature, and less safe for the people; we ought to call for very solid and convincing proofs of the existence, and of the magnitude too of the evils, which are charged to an independent spirit, before we give sanction to any measure, that by checking a spirit so easily damped, and so hard to be excited, may affect the liberty of a part of our Constitution, which, if not free, is worse than useless.

The Editor does not deny, that by possibility such an abuse may exist: But *primâ fronte*,<sup>2</sup> there is no reason to presume it. The House of Commons is not, by its complexion, peculiarly subject to the distempers of an independent habit. Very little compulsion is necessary, on the part of the people, to render it abundantly complaisant to Ministers, and favourites of all descriptions. It required a great length of time, very considerable industry and perseverance, no vulgar policy, the union of many men and

<sup>1</sup> *Corr.* v. 155–6.

<sup>2</sup> At first sight.

many tempers, and the concurrence of events which do not happen every day, to build up an independent House of Commons. Its demolition was accomplished in a moment; and it was the work of ordinary hands. But to construct is a matter of skill; to demolish, force and fury are sufficient.

The late House of Commons has been punished for its independence. That example is made. Have we an example on record, of an House of Commons punished for its servility? The rewards of a Senate so disposed, are manifest to the world. Several Gentlemen are very desirous of altering the constitution of the House of Commons: But they must alter the frame and constitution of human nature itself, before they can so fashion it by any mode of election, that its conduct will not be influenced by reward and punishment; by fame and by disgrace. If these examples take root in the minds of men, what Members hereafter will be bold enough not to be corrupt? Especially as the King's highway of obsequiousness is so very broad and easy.<sup>1</sup> To make a passive Member of Parliament, no dignity of mind, no principles of honour, no resolution, no ability, no industry, no learning, no experience are in the least degree necessary. To defend a post of importance against a powerful enemy, requires an Elliot;<sup>2</sup>—a drunken invalid is qualified to hoist a white flag, or to deliver up the keys of the fortress on his knees.

The Gentlemen chosen into this Parliament, for the purpose of this surrender, were bred to better things; and are no doubt qualified for other service. But for this strenuous exertion of inactivity, for the vigorous task of submission and passive obedience, all their learning and ability are rather a matter of personal ornament to themselves, than of the least use in the performance of their duty.

The present surrender, therefore, of rights and privileges, without examination, and the resolution to support any Minister given by the secret advisers of the Crown, determines not only on all the power and authority of the House, but it settles the character and description of the men who are to compose it; and perpetuates that character as long as it may be thought expedient to keep up a phantom of popular representation.

It is for the chance of some amendment before this new settlement takes a permanent form, and while the matter is yet soft and ductile, that the Editor has re-published this piece, and added some notes and explanations to it. His intentions, he hopes, will excuse him to the original mover, and to

<sup>1</sup> 'Wide the gate, and broad is the way, that leadeth to destruction'; Matt. 7: 13.

<sup>2</sup> George Augustus Elliott (1717–90), later (1787) 1st Baron Heathfield, hero of the defence of Gibraltar against the Spanish, 1779–83.

the world. He acts from a strong sense of the incurable ill effects of holding out the conduct of the late House of Commons, as an example to be shunned by future representatives of the people.

## MOTION,

RELATIVE TO THE

## SPEECH from the THRONE

*Lunæ, 14<sup>o</sup> Die Junij, 1784.*

A MOTION was made, That a representation be presented to his Majesty, most humbly to offer to his Royal consideration, that the Address of this House upon his Majesty's Speech from the Throne,<sup>1</sup> was dictated solely by our conviction of his Majesty's own most gracious intentions towards his people, which, as we feel with gratitude, so we are ever ready to acknowledge with cheerfulness and satisfaction.

Impressed with these sentiments, we were willing to separate from our general expressions of duty, respect, and veneration to his Majesty's royal person and his princely virtues, all discussion whatever with relation to several of the matters suggested, and several of the expressions employed, in that speech.

That it was not fit or becoming, that any decided opinion should be formed by his faithful Commons, on that speech, without a degree of deliberation adequate to the importance of the object. Having afforded ourselves due time for that deliberation, we do now most humbly beg leave to represent to his Majesty, that, in the speech from the Throne, his Ministers have thought proper to use a language of a very alarming import, unauthorized by the practice of good times, and irreconcilable to the principles of this Government.

Humbly to express to his Majesty, that it is the privilege and duty of this House to guard the Constitution from all infringement on the part of Ministers; and, whenever the occasion requires it, to warn them against any abuse of the authorities committed to them: but it is very lately,\* that,

\* See King's Speech, Dec. 5, 1782, and May 19, 1784.

<sup>1</sup> Of 19 May 1784.



in a manner not more unseemly than irregular and preposterous, Ministers have thought proper, by admonition from the Throne implying distrust and reproach, to convey the expectations of the people to us, their sole representatives,\* and have presumed to caution us, the natural guardians of the Constitution, against any infringement of it on our parts.

This dangerous innovation we, his faithful Commons, think it our duty to mark; and as these admonitions from the Throne, by their frequent repetition, seem intended to lead gradually to the establishment of an usage, we hold ourselves bound thus solemnly to protest against them.

This House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of its constituents: nor do we desire to straiten any of the avenues to the Throne, or to either House of Parliament. But the ancient order, in which the rights of the people have been exercised, is not a restriction of these rights. It is a method providently framed in favour of those privileges, which it preserves and enforces by keeping in that course which has been found the most effectual for answering their ends. His Majesty may receive the opinions and wishes of individuals under their signatures, and of bodies corporate under their seals, as expressing their own particular sense: and he may grant such redress as the legal powers of the Crown enable the Crown to afford. This, and the other House of Parliament, may also receive the wishes of such corporations and individuals by petition. The collective sense of his people his Majesty is to receive from his Commons in Parliament assembled. It would destroy the whole spirit of the Constitution, if his Commons were to receive that sense from the Ministers of the Crown, or to admit them to be a proper or a regular channel for conveying it.

That the Ministers in the said Speech declare, "His Majesty has a just and confident reliance, that we (his faithful Commons) are animated with the same sentiments of loyalty, and the same attachment to our excellent Constitution, which he had the happiness to see so fully manifested in every part of the kingdom."<sup>2</sup>

\* "I will never submit to the doctrines I have heard this day from the Woolsack, that the Other House [House of Commons] are the only representatives and guardians of the people's rights, I boldly maintain the contrary—I say this House [House of Lords] is *equally the representatives of the people*." Lord Shelburne's *Speech*, April 8, 1778. *Vide Parliamentary Register*, vol. 10, page 392.<sup>1</sup>

<sup>1</sup> Burke seems to have inserted this quotation from Shelburne's speech in 1778 in error at this point. He presumably intended to cite passages from the King's Speeches of 5 December 1782 and 19 May 1784 on the principles of the constitution and the expectations of the people.

<sup>2</sup> King's Speech, 19 May 1784.

To represent, that his faithful Commons have never failed in loyalty to his Majesty. It is new to them to be reminded of it. It is unnecessary and invidious to press it upon them by any example. This recommendation of loyalty, after his Majesty has sat for so many years, with the full support of all descriptions of his subjects, on the Throne of this kingdom, at a time of profound peace, and without any pretence of the existence or apprehension of war or conspiracy, becomes in itself a source of no small jealousy to his faithful Commons; as many circumstances lead us to apprehend that therein the Ministers have reference to some other measures and principles of loyalty, and to some other ideas of the Constitution than the laws require, or the practice of Parliament will admit.<sup>1</sup>

No regular communication of the proofs of loyalty and attachment to the Constitution, alluded to in the speech from the Throne, have been laid before this House, in order to enable us to judge of the nature, tendency, or occasion of them; or in what particular acts they were displayed: but if we are to suppose the manifestations of loyalty (which are held out to us as an example for imitation) consist in certain Addresses delivered to his Majesty, promising support to his Majesty in the exercise of his prerogative, and thanking his Majesty for removing certain of his Ministers, on account of the votes they have given upon bills depending in Parliament,<sup>2</sup>—if this be the example of loyalty alluded to in the speech from the Throne, then we must beg leave to express our serious concern for the impression which has been made on any of our fellow-subjects by misrepresentations, which have seduced them into a seeming approbation of proceedings subversive of their own freedom. We conceive, that the opinions delivered in these papers were not well considered; nor were the parties duly informed of the nature of the matters on which they were called to determine, nor of those proceedings of Parliament which they were led to censure.

We shall act more advisedly.—The loyalty we shall manifest will not be the same with theirs; but, we trust, it will be equally sincere, and more enlightened. It is no slight authority which shall persuade us (by receiving as proofs of loyalty the mistaken principles lightly taken up in these addresses) obliquely to criminate, with the heavy and ungrounded charge of disloyalty and disaffection, an uncorrupt, independent, and reforming

<sup>1</sup> Much-amended drafts of this and the following paragraph in Burke's hand survive in MS. at Sheffield, Bk. 27. 150.

<sup>2</sup> A very large number of addresses, such as that from the Buckinghamshire meeting which Burke had spoken (see above, p. 179), were submitted to the Crown before the 1784 election.

Parliament.\* Above all, we shall take care that none of the rights and privileges, always claimed, and since the accession of his Majesty's illustrious Family constantly exercised by this House (and which we hold and exercise in trust for the Commons of Great Britain, and for their benefit) shall be constructively surrendered, or even weakened and impaired under ambiguous phrases, and implications of censure on the late Parliamentary proceedings.<sup>10</sup> If these claims are not well-founded, they

\* In that Parliament the House of Commons by two several resolutions put an end to the American War.<sup>1</sup> Immediately on the change of Ministry, which ensued, in order to secure their own independence, and to prevent the accumulation of new burthens on the people by the growth of a Civil List debt, they passed the Establishment Bill. By that Bill thirty-six offices tenable by Members of Parliament were suppressed; and an order of payment was framed, by which the growth of any fresh debt was rendered impracticable.<sup>2</sup> The debt on the Civil List from the beginning of the present reign had amounted to one million three hundred thousand pounds and upwards. Another act was passed for regulating the office of the Paymaster General, and the offices subordinate to it. A million of public money had sometimes been in the hands of the Paymasters: this act prevented the possibility of any money whatsoever being accumulated in that office in future.<sup>3</sup> The offices of the Exchequer whose emoluments in time of war were excessive; and grew in exact proportion to the public burthens, were regulated; some of them suppressed, and the rest reduced to fixed salaries.<sup>4</sup> To secure the freedom of election against the Crown, a bill was passed to disqualify all officers concerned in the collection of the revenue in any of its branches from voting in elections; a most important act, not only with regard to its primary object, the freedom of election, but as materially forwarding the due collection of revenue.<sup>5</sup> For the same end, (the preserving the freedom of election) the House rescinded the famous judgment relative to the Middlesex Election, and expunged it from the Journals.<sup>6</sup> On the principle of reformation of their own House, connected with a principle of public œconomy, an act passed for rendering contractors with Government incapable of a seat in Parliament.<sup>7</sup> The India Bill, (unfortunately lost in the House of Lords) pursued the same idea to its completion; and disabled all servants of the East-India Company from a seat in that House for a certain time, and until their conduct was examined into and cleared.<sup>8</sup> The remedy of infinite corruptions and of infinite disorders and oppressions, as well as the security of the most important objects of public œconomy, perished with that bill and that Parliament. That Parliament also instituted a Committee to enquire into the collection of the Revenue in all its branches, which prosecuted its duty with great vigour; and suggested several material improvements.<sup>9</sup>

<sup>1</sup> Resolutions of 27 February and 4 March 1782 (*Commons Journals*, xxxviii, 861, 868).

<sup>2</sup> See above, pp. 142–9. The estimate of the number of offices tenable by M.P.s that had been abolished by the act is generous. An informed contemporary put it at 22 (Christie, *Wilkes, Wyvill and Reform*, p. 153). The growth of the Civil List debt had not been stopped.

<sup>3</sup> See above, p. 173.

<sup>4</sup> The Exchequer Regulation Act of 1783 (23 Geo. III, c. 82). It left unreformed many of the anachronisms of the Exchequer and some of its most lucrative sinecures.

<sup>5</sup> Crewe's Act, 22 Geo. III, c. 41.

<sup>6</sup> On 3 May 1782 (*Commons Journals*, xxxviii, 977).

<sup>7</sup> Clerke's Act, 22 Geo. III, c. 45.

<sup>8</sup> In the second of Fox's India Bills those who had served in India would have been barred from being elected to the Commons for an unspecified period of time.

<sup>9</sup> Burke is probably referring to the three reports issued by the committee for inquiring into 'illicit practices used in defrauding the revenue' between 24 December 1783 and 3 March 1784.

<sup>10</sup> Burke seems to have been considering a much longer defence of the record of the Parliament of 1780 to 1784, including but going beyond the material which he put in the footnote. Four sheets in another hand with amendments by Burke, giving 'a short view of the character of the late parliament', survive in MS. at Sheffield, Bk. 27. 57.

ought to be honestly abandoned; if they are just, they ought to be steadily and resolutely maintained.

Of his Majesty's own gracious disposition towards the true principles of our free constitution, his faithful Commons never did, or could, entertain a doubt: but we humbly beg leave to express to his Majesty our uneasiness concerning other new and unusual expressions of his Ministers, declaratory of a resolution to "support, in their *just balance*, the rights and privileges of every branch of the Legislature."<sup>4</sup>

It were desirable that all hazardous theories concerning a balance of rights and privileges (a mode of expression wholly foreign to Parliamentary usage) might have been forborne. His Majesty's faithful Commons are well instructed in their own rights and privileges, which they are determined to maintain on the footing upon which they were handed down from their ancestors: They are not unacquainted with the rights and privileges of the House of Peers; and they know and respect the lawful prerogatives of the Crown: But they do not think it safe to admit any thing concerning the existence of a balance of those rights, privileges, and prerogatives; nor are they able to discern to what objects Ministers would apply their fiction of a balance; nor what they would consider as a just one. These unauthorized doctrines have a tendency to stir improper discussions; and to lead to mischievous innovations in the Constitution.\*

\* If these speculations are let loose, the House of Lords may quarrel with their share of the Legislature, as being limited with regard to the origination of grants to the Crown, and the origination of Money Bills.<sup>1</sup> The advisers of the Crown may think proper to bring its negative into ordinary use;<sup>2</sup> and even to dispute, whether a mere negative, compared with the deliberative power, exercised in the other Houses, be such a share in the Legislature, as to produce a due balance in favour of that branch; and thus justify, the previous interference of the Crown, in the manner lately used. The following will serve to shew how much foundation there is for great caution, concerning these novel speculations. Lord Shelburne, in his celebrated speech, April 8th, 1778, expresses himself as follows: Vide *Parliamentary Register*, Vol. X.

"The noble and learned Lord on the Woolsack, in the debate which opened the business of this day, asserted, that your Lordships were incompetent to make any alteration in a Money Bill, or a Bill of Supply.<sup>3</sup> I should be glad to see the matter fully and fairly discussed, and the subject brought forward and argued upon precedent as well as all its collateral relations. I should be pleased to see the question fairly committed, were it for no other reason, but to hear the sleek smooth Contractors from the other House, come to that bar and declare, that they, and they only, *could frame a money bill*; and they, and they only, could dispose of the *property of the Peers of Great-Britain*. Perhaps some arguments more plausible than those I heard this day from the Woolsack, to shew that the Commons have an uncontrollable, unqualified right, to bind your Lordships'

<sup>1</sup> The convention that money bills were the sole concern of the House of Commons had been definitely stated in a Commons resolution of 3 July 1678.

<sup>2</sup> The royal prerogative of vetoing legislation had not been used since 1708.

<sup>3</sup> The Lord Chancellor, Henry Bathurst (1714-91), 2nd Earl Bathurst, had said that the Lords should not debate money bills. 'They are the peculiar privilege of the other House.'

<sup>4</sup> This phrase appeared both in the King's Speech, 19 May 1784 and in the Commons' Address of 24 May.



That his faithful Commons most humbly recommend, instead of the inconsiderate speculations of unexperienced men,<sup>3</sup> that on all occasions, resort should be had to the happy practice of Parliament; and to those solid maxims of Government which have prevailed since the accession of his Majesty's illustrious family, as furnishing the only safe principles on which the Crown and Parliament can proceed.

We think it the more necessary to be cautious on this head, as, in the last Parliament, the present Ministers had thought proper to countenance, if not to suggest, an attack upon the the most clear and undoubted rights and privileges of this House.\*

property, may be urged by them. At present I beg leave to differ from the noble and learned Lord; for until the claim, after a solemn discussion of the House, is openly and directly relinquished, I shall continue to be of opinion, that your Lordships have a right to *alter, amend, or reject* a Money Bill."

The Duke of Richmond also, in his letter to the Volunteers of Ireland, speaks of several of the powers exercised by the House of Commons, in the light of usurpations; and his Grace is of opinion, that when the people are restored to what he conceives to be their rights, in electing the House of Commons, the other Branches of the Legislature ought to be restored to theirs. Vide *Remembrancer*, Vol. XVI.<sup>1</sup>

\* By an Act of Parliament the Directors of the East India Company are restrained from acceptance of Bills drawn from India, beyond a certain amount, without the consent of the Commissioners of the Treasury. The late House of Commons finding Bills to an immense amount, drawn upon that body by their servants abroad, and knowing their circumstances to be exceedingly doubtful, came to a resolution providently cautioning the Lords of the Treasury against the acceptance of these Bills, until the House should otherwise direct. The Court Lords then took occasion to declare against the resolution as illegal, by the Commons undertaking to direct in the execution of a trust created by Act of Parliament. The House justly alarmed at this resolution, which went to the destruction of the whole of its superintending capacity, and particularly in matters relative to its own province of money, directed a Committee to search the Journals, and they found a regular series of precedents, commencing from the remotest of those records, and carried on to that day, by which it appeared, that the House had interfered by an authoritative advice and admonition, upon every act of executive Government without exception; and in many much stronger cases than that which the Lords thought proper to quarrel with.<sup>2</sup>

<sup>1</sup> In his *Answer to the Letter from the Committee of the Ulster Volunteers*, p. 15, Richmond had written that the House of Commons is said to have 'usurped the whole Power of Government' and was only restrained by the influence exerted over it by the Crown and by the Lords. Were this influence to be destroyed by parliamentary reform, as Richmond hoped would be the case, the constitutional powers of the Crown and the Lords would have to be strengthened to balance those of the Commons. Burke is quoting from extracts in *The Remembrancer: or, Impartial Repository of Public Events*, 17 vols., London 1775-84.

<sup>2</sup> Under the East India Loan Act (13 Geo. III, c. 64) the Company had to seek the consent of the Treasury before it accepted bills beyond £300,000. On 24 December 1783 the Commons resolved that the Treasury should not sanction the acceptance of any bills until it was satisfied that the Company had the means to defray them (*Commons Journals*, xxxix. 854-5). On 4 February 1784 the Lords resolved that it was 'unconstitutional' for one branch of the legislature to assume a power vested in the legislature as a whole. The Commons riposted by appointing a committee to find precedents and on the strength of its report confirmed its resolution of 24 December as 'constitutional' on 16 February (*ibid.* xxxix. 925; *Commons Sessional Papers*, xl. 111-29).

<sup>3</sup> Burke used this phrase in his notes elaborating his objections to theories of constitutional balance, see above, p. 187, n. 2.

Fearing, from these extraordinary admonitions, and from the new Doctrines, which seem to have dictated several unusual expressions, that his Majesty has been abused by false representations of the late proceedings in Parliament, we think it our duty respectfully to inform his Majesty, that no attempt whatever has been made against his lawful prerogatives, or against the rights and privileges of the Peers, by the late House of Commons, in any of their addresses, votes, or resolutions: Neither do we know of any proceeding by bill, in which it was proposed to abridge the extent of his Royal Prerogative: But, if such provision had existed in any bill, we protest, and we declare, against all Speeches, Acts or Addresses, from any persons whatsoever, which have a tendency to consider such bills, or the persons concerned in them, as just objects of any kind of censure and punishment from the Throne. Necessary reformatations may hereafter require, as they have frequently done in former times, limitations, and abridgments, and in some cases an entire extinction of some branch of prerogative. If bills should be improper in the form in which they appear in the House where they originate, they are liable, by the wisdom of this Constitution, to be corrected, and even to be totally set aside, elsewhere. This is the known, the legal, and the safe remedy: But whatever, by the manifestation of the Royal displeasure, tends to intimidate individual Members from proposing, or this House from receiving, debating, and passing bills, tends to prevent even the beginning of every reformation in the State; and utterly destroys the deliberative capacity of Parliament.<sup>1</sup>— We therefore claim, demand, and insist upon it, as our undoubted right, that no persons shall be deemed proper objects of animadversion by the Crown, in any mode whatever, for the votes which they give, or the propositions which they make, in Parliament.

We humbly conceive, that besides its share of the Legislative power, and its right of impeachment, that, by the law and usage of Parliament, this House has other powers and capacities, which it is bound to maintain. This House is assured, that our humble advice on the exercise of prerogative will be heard with the same attention with which it has ever been regarded; and that it will be followed by the same effects which it has ever produced, during the happy and glorious Reigns of his Majesty's Royal Progenitors; not doubting but that, in all those points, we shall be considered as a Council of wisdom and weight to advise, and not merely as an accuser of

<sup>1</sup> On 11 December 1783 Lord Temple (George Nugent Grenville (1753–1813), 3rd Earl Temple, later (1784) 1st Marquess of Buckingham) was authorized by the King to tell peers that those who voted in the Lords for the India Bill were 'not only not his friends, but he should consider them as his enemies'.

competence to criminate.\* This House claims both capacities; and we trust that we shall be left to our free discretion which of them we shall employ as best calculated for his Majesty's, and the National service.—Whenever we shall see it expedient to offer our advice concerning his Majesty's servants, who are those of the public, we confidently hope, that the personal favour of any Minister, or any set of Ministers, will not be more dear to his Majesty, than the credit and character of an House of Commons.<sup>2</sup> It is an experiment full of peril to put the representative wisdom and justice of his Majesty's people in the wrong; it is a crooked and desperate design, leading to mischief, the extent of which no human wisdom can foresee, to attempt to form a prerogative party in the nation, to be resorted to as occasion shall require, in derogation from the authority of the Commons of Great-Britain in Parliament assembled: It is a contrivance full of danger, for Ministers to set up the representative and constituent bodies of the Commons of this kingdom as two separate and distinct powers, formed to counterpoise each other, leaving the preference in the hands of secret advisers of the Crown.<sup>3</sup> In such a situation of things, these advisers, taking advantage of the differences which may accidentally arise, or may purposely be fomented between them, will have it in their choice to resort to the one or the other, as may best suit the purposes of their sinister ambition. By exciting an emulation and contest between the representative and constituent bodies, as parties contending for credit and influence at the Throne, Sacrifices will be made by both; and the whole can end in nothing else than the destruction of the dearest rights and liberties of the nation. If there must be another mode of conveying the collective sense of the people to the Throne than that by the House of Commons, it ought to be fixed and defined, and its authority ought to be settled: It ought not to exist in so precarious and dependent a state as that Ministers should have it in their power, at their own mere pleasure, to acknowledge it with respect, or to reject it with scorn.

\* "I observe at the same time, that there is *no charge or complaint* suggested against my present Ministers;"—*The King's answer, 25th February, 1784, to the Address of the House of Commons*. Vide, *Resolutions of the House of Commons, Printed for Debrett*, p. 31.<sup>1</sup>

<sup>1</sup> *Resolutions of the House of Commons on the Great Constitutional Questions between the Privileges of the House of Commons and the Prerogative of the Crown from the 17th of December 1783; to the 10th of March 1784*, London, 1784.

<sup>2</sup> Before the dissolution, the King had maintained Pitt in office in spite of addresses from the Commons calling for his dismissal.

<sup>3</sup> In his speech, Burke defined 'the representative' and 'the constituent' bodies as 'the Commons of England in Parliament assembled, and the Commons of England in corporation and county meetings dispersed' (see above, p. 184).

It is the undoubted prerogative of the Crown to dissolve Parliament; but we beg leave to lay before his Majesty, that it is, of all the trusts vested in his Majesty, the most critical and delicate, and that in which this House has the most reason to require, not only the good faith, but the favour of the Crown.<sup>1</sup> His Commons are not always upon a par with his Ministers in an application to popular judgment: It is not in the power of the members of this House to go to their election at the moment the most favourable for them. It is in the power of the Crown to choose a time for their dissolution whilst great and arduous matters of state and legislation are depending, which may be easily misunderstood, and which cannot be fully explained before that misunderstanding may prove fatal to the honour that belongs, and to the consideration that is due, to Members of Parliament.

With his Majesty is the gift of all the rewards, the honours, distinctions, favour, and graces of the state; with his Majesty is the mitigation of all the rigours of the law; and we rejoice to see the Crown possessed of trusts calculated to obtain good-will, and charged with duties which are popular and pleasing. Our trusts are of a different kind. Our duties are harsh and invidious in their nature; and justice and safety is all we can expect in the exercise of them. We are to offer salutary, which is not always pleasing, council: We are to enquire and to accuse: And the objects of our enquiry and charge will be for the most part persons of wealth, power, and extensive connections: We are to make rigid laws for the preservation of revenue, which of necessity more or less confine some action, or restrain some function, which before was free: What is the most critical and invidious of all, the whole body of the public impositions originate from us, and the hand of the House of Commons is seen and felt in every burthen that presses on the people. Whilst, ultimately, we are serving them, and in the first instance whilst we are serving his Majesty, it will be hard, indeed, if we should see a House of Commons the victim of its zeal and fidelity, sacrificed by his Ministers to those very popular discontents which shall be excited by our dutiful endeavours for the security and greatness of his Throne. No other consequence can result from such an example, but that, in future, the House of Commons, consulting its safety at the expence of its duties, and suffering the whole energy of the State to be relaxed, will shrink from every service, which however necessary, is of a great and arduous nature; or that,

<sup>1</sup> What could be regarded as premature dissolutions were a contentious use of the undoubted royal prerogative against conventions about the proper life of a Parliament that had grown up after the Septennial Act of 1716; see the discussion in B. Kemp, *King and Commons 1660–1832*, London, 1957, pp. 39–41.



willing to provide for the public necessities, and, at the same time, to secure the means of performing that task, they will exchange independence for protection, and will court a subservient existence through the favour of those Ministers of State, or those Secret Advisers,<sup>1</sup> who ought themselves to stand in awe of the Commons of this realm.

An House of Commons, respected by his Ministers, is essential to his Majesty's service: It is fit that they should yield to Parliament, and not that Parliament should be broken and new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's Advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of Administration; and will lose that independent character which, inseparably connecting the honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government, It is the deference shewn to our opinion, when we dissent from the servants of the Crown, which alone can give authority to the proceedings of this House, when it concurs with their measures.

That authority once lost, the credit of his Majesty's Crown will be impaired in the eyes of all nations. Foreign powers, who may yet wish to revive a friendly intercourse with this nation, will look in vain for that hold which gave a connection with Great-Britain the preference to an alliance with any other State; An House of Commons, of which Ministers were known to stand in awe, where every thing was necessarily discussed, on principles fit to be openly and publicly avowed, and which could not be retracted or varied without danger, furnished a ground of confidence in the public faith, which the engagement of no State dependent on the fluctuation of personal favour, and private advice, can ever pretend to. If faith with the House of Commons, the grand security for the national faith itself, can be broken with impunity, a wound is given to the political importance of Great Britain, which will not easily be healed.

That there was a great variance between the late House of Commons and certain persons, whom his Majesty has been advised to make and continue as Ministers, in defiance of the advice of that House, is notorious to the world. That House did not confide in those Ministers; and they with held

<sup>1</sup> In *Thoughts on the Present Discontents* of 1770 (vol. ii, pp. 260–1), Burke had described 'two systems of Administration . . . ; one which should be in the real secret and confidence; the other merely ostensible, to perform the official and executory duties of Government'. In his view the situation had not changed. He even speculated towards the end of the *Representation* that 'the secret advisers of the Crown' might lead to the Pitt ministry being 'disavowed' (see below, p. 213).

their confidence from them for reasons for which posterity will honour and respect the names of those who composed that House of Commons, distinguished for its independence. They could not confide in persons who have shewn a disposition to dark and dangerous intrigues. By these intrigues they have weakened, if not destroyed, the clear assurance which his Majesty's people, and which all nations ought to have, of what are, and what are not, the real acts of his government.

If it should be seen that his Ministers may continue in their offices, without any signification to them of his Majesty's displeasure at any of their measures, whilst persons considerable for their rank, and known to have had access to his Majesty's sacred person, can, with impunity, abuse that advantage, and employ his Majesty's name to disavow and counteract the proceedings of his official servants,<sup>1</sup> nothing but distrust, discord, debility, contempt of all authority, and general confusion, can prevail in his government.

This we lay before his Majesty, with humility and concern, as the inevitable effect of a spirit of intrigue in his executive government; an evil which we have but too much reason to be persuaded exists and increases. During the course of the last session it broke out in a manner the most alarming. This evil was infinitely aggravated by the unauthorized, but not disavowed use which has been made of his Majesty's name, for the purpose of the most unconstitutional, corrupt, and dishonourable influence on the minds of the Members of Parliament, that ever was practised in this kingdom: No attention, even to the exterior decorum, in the practice of corruption, and intimidation employed on Peers, was observed: Several Peers were obliged under menaces to retract their declarations, and to recall their proxies.<sup>2</sup>

The Commons have the deepest interest in the purity and integrity of the Peerage. The Peers dispose of all the property in the kingdom, in the last resort; and they dispose of it on their honour and not on their oaths, as all the members of every other tribunal in the kingdom must do;<sup>3</sup> though in them the proceeding is not conclusive. We have, therefore, a right to demand that no application shall be made to Peers of such a nature as may give room to call in question, much less to attain, our sole security for all

<sup>1</sup> The activities of Lord Temple on the India Bill.

<sup>2</sup> There were well-authenticated stories of proxies—that is, instructions on how to vote given by peers absent from the debate—being changed.

<sup>3</sup> The House of Lords acted in effect as the ultimate court of appeal. Peers were exempt from the requirement of testifying on oath; instead, they gave evidence and judgement 'on their honour'.

that we possess. This corrupt proceeding appeared to the House of Commons, who are the natural guardians of the purity of Parliament, and of the purity of every branch of judicature, a most reprehensible and dangerous practice, tending to shake the very foundation of the authority of the House of Peers;—and they branded it as such by their resolution.<sup>1</sup>

The House had not sufficient evidence to enable them, legally to punish this practice, but they had enough to caution them against all confidence in the authors and abettors of it. They performed their duty in humbly advising his Majesty against the employment of such Ministers; but his Majesty was advised to keep those Ministers, and to dissolve that Parliament. The House, aware of the importance and urgency of its duty with regard to the British interests in India, which were and are in the utmost disorder, and in the utmost peril, most humbly requested his Majesty not to dissolve the Parliament during the course of their very critical proceedings on that subject. His Majesty's gracious condescension to that request was conveyed in the Royal faith, pledged to an House of Parliament, and solemnly delivered from the throne.<sup>2</sup> It was but a very few days after a committee had been, with the consent and concurrence of the Chancellor of the Exchequer, appointed for an enquiry into certain accounts delivered to the House by the Court of Directors, and then actually engaged in that enquiry, that the Ministers, regardless of the assurance given from the Crown to an House of Commons, did dissolve that Parliament.<sup>3</sup> We most humbly submit to his Majesty's consideration the consequences of this their breach of public faith.

Whilst the Members of the House of Commons, under that security, were engaged in his Majesty's and the national business, endeavours were industriously used to calumniate those whom it was found impracticable to corrupt. The reputation of the Members, and the reputation of the House itself, was undermined in every part of the kingdom.

<sup>1</sup> On 17 December 1783 the Commons resolved that: 'To report any Opinion, or pretended Opinion, of his Majesty upon any Bill, or other Proceeding, depending in either House of Parliament, with a View to influencing the Votes of the Members, is a High Crime and Misdemeanour, derogatory to the Honour of the Crown, a Breach of the Fundamental Privileges of Parliament and subversive of the Constitution of this Country' (*Commons Journals*, xxxix. 849).

<sup>2</sup> On 22 December 1783 the Commons had addressed the Crown asking that Parliament should not be prorogued or dissolved while urgent measures for India were being considered. The King had replied on 24 December that he would not 'interrupt your Meeting by any act of my Prerogative' (*Commons Journals*, xxxix. 853).

<sup>3</sup> A report of the Court of Directors of 14 February 1784 giving a generally optimistic account of the Company's affairs was referred on 11 March with Pitt's acquiescence to a committee under the chairmanship of William Eden. Parliament was dissolved on 24 March.

In the Speech from the Throne relative to India, we are cautioned by the Ministers, “not to lose sight of the effect any measure may have on the constitution of our country.”<sup>1</sup> We are apprehensive that a calumnious report spread abroad of an attack upon his Majesty’s prerogative by the late House of Commons, may have made an impression on his Royal mind, and have given occasion to this unusual admonition to the present. This attack is charged to have been made in the late Parliament, by a bill which passed the House of Commons in the last session of that Parliament, for the regulation of the affairs, for the preservation of the commerce, and for the amendment of the government of this nation, in the East-Indies.<sup>2</sup>

That his Majesty and his people may have an opportunity of entering into the ground of this injurious charge, we beg leave humbly to acquaint his Majesty, that, far from having made any infringement whatsoever on any part of his Royal prerogative, that bill did, for a limited time, give to his Majesty certain powers never before possessed by the Crown;<sup>3</sup> and for this his present Ministers (who, rather than fall short in the number of their calumnies; employ some that are contradictory) have slandered this House, as aiming at the extension of an unconstitutional influence in his Majesty’s Crown.<sup>4</sup> This pretended attempt to increase the influence of the Crown, they were weak enough to endeavour to persuade his Majesty’s people was amongst the causes which excited his Majesty’s resentment against his late Ministers.

Further, to remove the impressions of this calumny concerning an attempt in the House of Commons against his prerogative, it is proper to inform his Majesty, that the territorial possessions in the East Indies never have been declared, by any public judgment, act, or instrument, or any resolution of Parliament whatsoever, to be the subject matter of his Majesty’s prerogative; nor have they ever been understood as belonging to his ordinary administration, or to be annexed or united to his Crown; but

<sup>1</sup> ‘While you feel a just Anxiety to provide for the good Government of Our Possessions in that Part of the World, you will, I trust, never lose Sight of the Effect which any Measure to be adopted for that Purpose may have on Our own Constitution, and Our dearest Interests at Home.’

<sup>2</sup> Critics of Fox’s India Bill argued that the provision for the appointment of commissioners to manage the affairs of the Company by act of Parliament was a violation of the royal prerogative of appointment to executive offices.

<sup>3</sup> Defenders of the bill pointed out that the Crown was given the power of filling vacancies in the commission.

<sup>4</sup> This was the initial line of attack against the bill, e.g. William Grenville (William Wyndham Grenville (1759–1834), later (1790) 1st Baron Grenville) had spoken of a bill ‘calculated to increase the influence of the Crown, and that in a degree beyond all precedent enormous and alarming’ (*Parl. Reg.*, xii. 72).



that they are acquisition of a new and peculiar description,\* unknown to the ancient executive constitution of this country.

From time to time, therefore, Parliament provided for their government according to its discretion, and to its opinion of what was required by the public necessities. We do not know that his Majesty was entitled, by prerogative, to exercise any act of authority whatsoever in the Company's affairs, or that, in effect, such authority ever has been exercised. His Majesty's patronage was not taken away by that bill; because it is notorious that his Majesty never originally had the appointment of a single officer, civil or military, in the Company's establishment in India; nor has the least degree of patronage ever been acquired to the Crown in any other manner or measure, than as the power was thought expedient to be granted by act of Parliament;<sup>2</sup> that is, by the very same authority by which the offices were disposed of and regulated in the bill, which his Majesty's servants have falsely and injuriously represented as infringing upon the prerogative of the Crown.

Before the year 1773 the whole Administration of India, and the whole patronage to office there, was in the hands of the East India Company. The East-India Company is not a branch of his Majesty's Prerogative Administration, nor does that body exercise any species of authority under it, nor indeed from any British title, that does not derive all its legal validity from Acts of Parliament.

When a claim was asserted to the India territorial possessions in the occupation of the Company, these possessions were not claimed as parcel of his Majesty's patrimonial estate, or as a fruit of the ancient inheritance of

\* The territorial possessions in the East Indies were acquired to the Company, in virtue of grants from the Great Mogul, in the nature of offices and jurisdictions, to be held under *him*, and dependent upon *his* Crown; with the express condition of being obedient to orders from *his* Court, and of paying an annual tribute to *his* treasury.<sup>1</sup> It is true, that no obedience is yielded to these orders; and for some time past there has been no payment made of this tribute. But it is under a grant, so conditioned, that they still hold. To subject the King of Great Britain as tributary to a foreign power, by the acts of his subjects—to suppose the grant valid, and yet the condition void—to suppose it good for the King, and insufficient for the Company—to suppose it an interest divisible between the parties.—These are some few of the many legal difficulties to be surmounted, before the common law of England can acknowledge the East India Company's Asiatic affairs to be a subject matter of *prerogative*, as to bring it within the verge of English jurisprudence. It is a very anomalous species of power and property which is held by the East India Company. Our English prerogative law does not furnish principles, much less precedents by which it can be defined or adjusted. Nothing but the eminent dominion of Parliament over every British subject in every concern, and in every circumstance in which he is placed, can adjust this new intricate matter. Parliament may act wisely or unwisely; justly or unjustly; but Parliament alone is competent to it.

<sup>1</sup> By the Treaty of Allahabad of 1765 the Mughal Emperor, Shah Alam II (1728–1806), had granted the *diwani* of Bengal and Bihar to the East India Company.

<sup>2</sup> The 1773 Regulating Act (13 Geo. III, c. 63) authorized the appointment of royal judges in India.

his Crown. They were claimed for the public. And when agreements were made with the East-India Company concerning any composition for the holding, or any participation of the profits of those territories, the agreement was made with the public, and the preambles of the several acts have uniformly so stated it. These agreements were not made (even nominally) with his Majesty but with Parliament; and the bills making and establishing such agreements always originated in this House, which appropriated the money to await the disposition of Parliament, without the ceremony of previous consent from the Crown even so much as suggested by any of his Ministers; which previous consent is an observance of decorum, not indeed of strict right, but generally paid when a new appropriation takes place in any part of his Majesty's prerogative revenues.<sup>1</sup>

In pursuance of a right thus uniformly recognized, and uniformly acted on, when Parliament undertook the reformation of the East-India Company in 1773, a commission was appointed as the commission in the late bill was appointed; and it was made to continue for a term of years, as the commission in the late bill was to continue; all the Commissioners were named in Parliament, as in the late bill they were named. As they received, so they held their offices, wholly independent of the Crown;<sup>2</sup> they held them for a fixed term; they were not removeable by an Address of either House, or even of both Houses of Parliament, a precaution observed in the late bill, relative to the Commissioners proposed therein;<sup>3</sup> nor were they bound by the strict rules of proceeding which regulated and restrained the late Commissioners against all possible abuse of a power, which could not fail of being diligently and zealously watched by the Ministers of the Crown, and the Proprietors of the Stock, as well as by Parliament. Their proceedings were, in that bill, directed to be of such a nature as easily to subject them to the strictest revision of both, in case of any malversation.<sup>4</sup>

In the year 1780, an Act of Parliament again made provision for the Government of those territories for another four years,<sup>5</sup> without any sort of reference to prerogative; nor was the least objection taken at the second,

<sup>1</sup> Agreements with ministers by which the East India Company paid £400,000 a year 'for the Benefit of the Publick' were embodied in statutes in 1767 (7 Geo. III, c. 57) and in 1769 (9 Geo. III, c. 24).

<sup>2</sup> Lord North's Regulating Act of 1773 (13 Geo. III, c. 63) appointed a Governor General and Supreme Council, named in the act, who were to hold office for five years.

<sup>3</sup> The commissioners to be appointed under Fox's Bill were to hold office for four years, but any of them could be removed by 'address of either House of Parliament'.

<sup>4</sup> Under Fox's Bill the commissioners were to provide the Company's shareholders and Parliament with annual commercial and financial statements; the Treasury was to receive statements about Indian revenue, which it was required to lay before Parliament.

<sup>5</sup> 20 Geo. III, c. 56.

more than at the first of those periods, as if an infringement had been made upon the rights of the Crown; yet his Majesty's Ministers have thought fit to represent the late commission as an entire innovation on the Constitution, and the setting-up a new order and estate in the nation, tending to the subversion of the monarchy itself.

If the Government of the East-Indies, other than by his Majesty's prerogative, be, in effect, a fourth Order in the Commonwealth, this Order has long existed; because the East-India Company has for many years enjoyed it in the fullest extent, and does at this day enjoy the whole administration of those provinces, and the patronage to offices throughout that great empire, except as it is controuled by Act of Parliament.

It was the ill condition, and ill Administration of the Company's affairs, which induced this House (merely as a temporary establishment) to vest the same powers which the Company did before possess, (and no other) for a limited time, and under very strict directions, in proper hands, until they could be restored, or further provision made concerning them.<sup>1</sup> It was therefore no creation whatever of a new power, but the removal of an old power, long since created, and then existing, from the management of those persons who had manifestly and dangerously abused their trust. This House, which well knows the Parliamentary Origin of all the Company's powers and privileges, and is not ignorant or negligent of the authority which may vest those powers and privileges in others, if justice and the public safety so require, is conscious to itself, that it no more creates a new Order in the state, by making occasional Trustees for the direction of the Company, than it originally did in giving a much more permanent trust to the Directors, or to the General Court of that Body.<sup>2</sup> The monopoly of the East-India Company was a derogation from the general freedom of trade belonging to his Majesty's people. The powers of Government, and of peace and war, are parts of Prerogative of the highest order. Of our competence to restrain the rights of all his subjects by Act of Parliament, and to vest those high and eminent Prerogatives even in a particular Company of Merchants, there has been no question.<sup>3</sup> We beg leave most

<sup>1</sup> The arrangements in Fox's India Bill were to last for four years.

<sup>2</sup> The length of service of a Director of the Company and the qualifications for voting for them by holders of its stock had been regulated by recent statutes.

<sup>3</sup> The Company's commercial monopoly and its 'powers of government and of peace and war' in Asia originated in royal charters. From 1698 the Company's charters had been embodied in acts of Parliament.

humbly to claim as our right, and as a right which this House has always used, to frame such bills, for the regulation of that commerce, and of the territories held by the East-India Company, and every thing relating to them, as to our discretion shall seem fit: and we assert and maintain, that therein we follow, and do not innovate on the Constitution.

That his Majesty's Ministers, misled by their ambition, have endeavoured, if possible, to form a faction in the country against the popular part of the constitution; and have therefore thought proper to add to their slanderous accusation against a House of Parliament, relative to his Majesty's prerogative, another of a different nature, calculated for the purpose of raising fears and jealousies among the corporate bodies of the kingdom, and of persuading uninformed persons belonging to those corporations to look to, and to make Addresses to them as protectors of their rights, under their several Charters, from the designs which they, without any ground, charged the then House of Commons to have formed against *Charters in general*.<sup>1</sup> For this purpose they have not scrupled to assert, that the exertion of his Majesty's prerogative in the late precipitate change in his Administration, and the dissolution of the late Parliament, were measures adopted in order to rescue the people and their rights out of the hands of the House of Commons, their Representatives.

We trust that his Majesty's subjects are not yet so far deluded as to believe that the Charters, or that any other of their local or general privileges can have a solid security in any place but where that security has always been looked for, and always found, in the House of Commons. Miserable and precarious indeed would be the state of their franchises, if they were to find no defence but from that quarter from whence they have always been attacked.\* But the late House of Commons in passing that

\* The attempt upon charters and the privileges of the corporate bodies of the kingdom in the reigns of Charles the Second, and James the Second, was made by the *Crown*. It was carried on by the ordinary course of law, in the courts instituted for the security of the property and franchises of the people. This attempt made by the *Crown*, was attended with complete success. The corporate rights of the city of London, and of all the companies it contains, were by solemn judgment of law declared forfeited, and all their franchises, privileges, properties and estates, were of course seized into the hands of the *Crown*. The injury was from the *Crown*; the redress was by Parliament. A bill was brought into the *House of Commons*, by which the judgment against the city of London, and against the companies was reversed; and this bill passed the House of Lords without any complaint of a trespass on their jurisdiction, although the bill was for a reversal of a judgment

<sup>1</sup> Fox's Bill was widely depicted as an assault on the chartered rights of the Company and therefore on chartered rights in general. Many corporate bodies, including the City of London, petitioned against the bill.



bill, made no attack upon any powers, or privileges, except such as an House of Commons has frequently attacked, and will attack (and they trust, in the end, with their wonted success) that is, upon those which are

in law. By this act, which is in the second of William and Mary, chap. 8, the question of forfeiture of that charter is for ever taken out of the power of any court of law. No cognizance can be taken of it except in Parliament.<sup>1</sup>

Although the act above mentioned has declared the judgment against the corporation of London to be *illegal*; yet Blackstone makes no scruple of affecting, that "perhaps in strictness of law, the proceedings in most of them [the *Quo Warranto* causes] were sufficiently regular," leaving it in doubt, whether this regularity did not apply to the corporation of London, as well as to any of the rest; and he seems to blame the proceeding (as most blameable it was) not so much on account of illegality, as for the Crown's having employed a legal proceeding for political purposes. He calls it "an exertion of an *act of law* for the purposes of the State."<sup>2</sup>

The same security which was given to the city of London, would have been extended to all the corporations, if the House of Commons could have prevailed. But the bill for that purpose passed but by a majority of one in the Lords; and it was entirely lost by a prorogation, which is the act of the Crown. Small, indeed, was the security which the corporation of London enjoyed, before the act of William and Mary, and which all the other corporations secured by no statute, enjoy at this hour, if strict law was employed against them. The use of that strict law has been always rendered very delicate by the same means, by which the almost unmeasured legal powers residing, (and in many instances dangerously residing) in the Crown are kept within due bounds; I mean, that strong superintending power in the House of Commons, which inconsiderate people have been prevailed on to condemn as trenching on prerogative. Strict law is by no means such a friend to the rights of the subject, as they have been taught to believe. They who have been most conversant in this kind of learning will be most sensible of the danger of submitting corporate rights of high political importance to these subordinate tribunals. The general heads of law on that subject are vulgar and trivial. On them there is not much question. But it is far from easy to determine what special acts, or what special neglects of action shall subject corporations to a forfeiture. There is so much laxity in this doctrine, that great room is left for favour or prejudice, which might give to the Crown an entire dominion over those corporations. On the other hand, it is undoubtedly true, that every subordinate corporate right ought to be subject to control; to superior direction; and even to forfeiture upon just cause. In this reason and law agree. In every judgment given on a corporate right of great political importance, the policy and prudence make no small part of the question. To these considerations a court of law is not competent; and indeed an attempt at the least intermixture of such ideas with the matter of law, could have no other effect, than wholly to corrupt the judicial character of the court, in which such a cause should come to be tried. It is besides to be remarked, that if in virtue of a legal process a forfeiture should be adjudged, the court of law has no power to modify or mitigate. The whole franchise is annihilated, and the corporate property goes into the hands of the Crown. They who hold the new doctrines concerning the power of the House of Commons, ought well to consider in such a case by what means the corporate rights could be revived, or the property could be recovered out of the hands of the Crown. But Parliament can do, what the courts neither can do nor ought to attempt. Parliament is competent to give due weight to all political considerations. It may modify; it may mitigate; and it may render perfectly secure all that it does not think fit to take away. It is not likely that Parliament will ever draw to itself the cognizance

<sup>1</sup> An information of *Quo Warranto*, questioning the authority of chartered rights, was one of the weapons used by the monarchy in the later seventeenth century to impose control over boroughs and therefore over members elected to Parliament. Under Charles II a *Quo Warranto* was launched in 1683 against the City of London, whose charter was declared forfeit in the court of King's Bench. Pressure on the boroughs intensified under James II and many charters were revised. The forfeiture of London's chartered privileges was declared to be 'illegal and arbitrary' by an Act of 1689 (2 Will. and Mary, c. 8) which restored them. A bill restoring other corporation charters was introduced in 1690 but was opposed as unduly partisan and lost when Parliament was prorogued and then dissolved in 1691.

<sup>2</sup> *Commentaries on the Laws of England*, 4 vols., London, 1773 edn., i. 485.

corruptly and oppressively administered; and this House do faithfully assure his Majesty, that we will correct, and, if necessary for the purpose, as far as in us lies, will wholly destroy every species of power and authority exercised by British subjects to the oppression, wrong, and detriment of the people, and to the impoverishment and desolation of the countries subject to it.

The propagators of the calumnies against that House of Parliament have been indefatigable in exaggerating the supposed injury done to the East-India Company by the suspension of the authorities which they have, in every instance, abused; as if power had been wrested, by wrong and violence, from just and prudent hands; but they have, with equal care, concealed the weighty grounds and reasons on which that House had adopted the most moderate of all possible expedients for rescuing the natives of India from oppression, and for saving the interests of the real and honest Proprietors of their Stock, as well as that great national, commercial concern, from imminent ruin.

of questions concerning ordinary corporations, farther than to protect them in case attempts are made to induce a forfeiture of their franchises.<sup>1</sup>

The case of the East India Company is different even from that of the greatest of these corporations. No monopoly of trade, beyond their own limits, is vested in the corporate body of any town or city in the Kingdom. Even within these limits the monopoly is not general. This Company has the monopoly of the trade of half the world. The first corporation of the kingdom,<sup>2</sup> has for the object of its jurisdiction only a few matters of subordinate police. The East-India Company governs an empire through all its concerns, and all its departments, from the lowest office of economy to the highest councils of state,—an empire to which Great-Britain is in comparison but a respectable province. To leave these concerns without superior cognizance would be madness; to leave them to be judged in the courts below on the principles of a confined jurisprudence, would be folly. It is well if the whole Legislative Power is competent to the correction of abuses, which are commensurate to the immensity of the object they affect. The idea of an absolute power has indeed its terrors; but that objection lies to every parliamentary proceeding; and as no other can regulate the abuses of such a Charter, it is fittest that sovereign authority should be exercised, where it is most likely to be attended with the most effectual correctives. These correctives are furnished by the nature and course of Parliamentary proceedings, and by the infinitely diversified characters who compose the two Houses. In effect and virtually they form a vast number, variety, and succession of judges and jurors. There the fulness, the freedom, and publicity of discussion, leaves it easy to distinguish what are acts of power, and what the determinations of equity and reason. There prejudice corrects prejudice, and the different asperities of party zeal mitigate and neutralize each other. So far from violence being the general characteristic of the proceedings of Parliament, whatever the beginnings of any Parliamentary process may be, its general fault in the end is, that it is found incomplete and ineffectual.

<sup>1</sup> While not questioning the authority of Parliament in this case, Burke had condemned the most contentious recent use of parliamentary authority to regulate charters, the Massachusetts Bay Regulating Act of 1774 (14 Geo. III, c. 45), as containing provisions that 'tend to the subversion of all public and private justice'. On grounds of 'prudence, and accommodation', he urged that it should be repealed (vol. iii, p. 154).

<sup>2</sup> The City of London.

The Ministers aforesaid have also caused it to be reported, that the House of Commons have confiscated the property of the East-India Company. It is the reverse of truth. The whole management was a trust for the Proprietors, under their own inspection (and it was so provided for in the bill) and under the inspection of Parliament.<sup>1</sup> That bill, so far from confiscating the Company's property, was the only one which, for several years past, did not, in some shape or other, affect their property, or restrain them in the disposition of it.

It is proper that his Majesty and all his people should be informed, that the House of Commons have proceeded, with regard to the East-India Company, with a degree of care, circumspection, and deliberation, which has not been equalled in the history of Parliamentary proceedings. For sixteen years the state and condition of that body has never been wholly out of their view: In the year 1767 the House took those objects into consideration, in a Committee of the whole House: The business was pursued in the following year: In the year 1772, two Committees were appointed for the same purpose, which examined into their affairs with much diligence, and made very ample Reports: In the year 1773, the proceedings were carried to an Act of Parliament,<sup>2</sup> which proved ineffectual to its purpose; the oppressions and abuses in India having since rather increased than diminished, on account of the greatness of the temptations and convenience of the opportunities, which got the better of the Legislative provisions calculated against ill practices, then in their beginnings: Insomuch that, in 1781, two Committees were again instituted, who have made seventeen reports.<sup>3</sup> It was upon the most minute, exact, and laborious collection and discussion of facts, that the late House of Commons proceeded in the reform which they attempted in the Administration of India, but which has been frustrated by ways and means the most dishonourable to his Majesty's Government, and the most pernicious to the Constitution of this kingdom. His Majesty was so sensible of the disorders in the Company's administration, that the consideration of that subject was no less than six times recommended to this House in Speeches from the Throne.

<sup>1</sup> In Fox's Bill the new commissioners were to take possession of the Company's assets 'in trust for and for the benefit of' the Company's shareholders. Both the shareholders and Parliament were to receive statements of the Company's affairs.

<sup>2</sup> North's Regulating Act of 1773 (13 Geo. III, c. 63).

<sup>3</sup> A select committee, in which Burke took a very prominent part, and a secret committee.

The result of the Parliamentary enquiries has been, that the East-India Company was found totally corrupted, and totally perverted from the purposes of its institution, whether political or commercial; that the powers of war and peace given by the Charter had been abused, by kindling hostilities in every quarter for the purposes of rapine; that almost all the treaties of peace they have made, have only given cause to so many breaches of public faith; that countries once the most flourishing are reduced to a state of indigence, decay, and depopulation, to the diminution of our strength, and to the infinite dishonour of our national character; that the laws of this kingdom are notoriously, and almost in every instance, despised; that the servants of the Company, by the purchase of qualifications to vote in the General Court, and, and at length, by getting the Company itself deeply in their debt, have obtained the entire and absolute mastery in the body, by which they, ought to have been ruled and coerced.<sup>1</sup> Thus their malversations in office are supported instead of being checked by the Company. The whole of the affairs of that body are reduced to a most perilous situation; and many millions of innocent and deserving men who are under the protection of this nation, and who ought to be protected by it, are oppressed by a most despotic and rapacious tyranny. The Company and their Servants having strengthened themselves by this confederacy, have set at defiance the authority and admonitions of this House employed to reform them; and when this House had selected certain principal delinquents, whom they declared it the duty of the Company to recall, the Company held out its legal privileges against all reformation; positively refused to recall them; and supported those who had fallen under the just censure of this House, with new and stronger marks of countenance and approbation.<sup>2</sup>

The late House discovering the reversed situation of the Company by which the nominal servants are really the masters, and the offenders are become their own judges, thought fit to examine into the state of their commerce;<sup>3</sup> and they have also discovered that their commercial affairs are in the greatest disorder; that their debts have accumulated beyond any present or obvious future means of payment, at least under the actual administration of their affairs; that this condition of the East India

<sup>1</sup> The Court of Directors.

<sup>2</sup> The House of Commons in 1782 passed resolutions calling for the recall of the Governor General, Warren Hastings, and of William Hornby (c.1722–1803), Governor of Bombay. The Company's shareholders, meeting as its General Court, refused to comply.

<sup>3</sup> This was the theme of Burke's *Ninth Report of the Select Committee*; vol. v, pp. 194–333.



Company has begun to affect the sinking fund itself, on which the public credit of the kingdom rests, a million and upwards being due to the Customs, which that House of Commons, whose intentions towards the Company have been so grossly misrepresented, were indulgent enough to respite.<sup>1</sup> And thus, instead of confiscating their property, the Company received without interest (which in such a case had been before charged) the use of a very large sum of the public money. The revenues are under the peculiar care of this House, not only as the revenues originate from us, but as, on every failure of the funds set apart for support of the national credit, or to provide for the national strength and safety, the task of supplying every deficiency falls upon his Majesty's faithful Commons, this House must, in effect, tax the people. The House therefore, at every moment, incurs the hazard of becoming obnoxious to its Constituents.

The enemies of the late House of Commons resolved, if possible, to bring on that event. They therefore endeavoured to misrepresent the provident means adopted by the House of Commons for keeping off this invidious necessity, as an attack on the rights of the East-India Company; for they well knew, that on the one hand, if, for want of proper regulation and relief, the Company should become insolvent, or even stop payment, the national credit and commerce would sustain an heavy blow; and that calamity would be justly imputed to Parliament, which after such long enquiries, and such frequent admonitions from his Majesty, had neglected so essential and so urgent an article of their duty: On the other hand they knew, that, wholly corrupted as the Company is, nothing effectual could be done to preserve that interest from ruin, without taking for a time the national objects of their trust out of their hands; and then a cry would be industriously raised against the House of Commons, as depriving British Subjects of their legal privileges. The restraint, being plain and simple, must be easily understood by those who would be brought with great difficulty, to comprehend the intricate detail of matters of fact, which rendered this suspension of the administration of India absolutely necessary on motives of justice, of policy, of public honour, and public safety.

The House of Commons had not been able to devise a method, by which the redress of grievances could be effected through the Authors of those grievances; nor could they imagine how corruptions could be purified by the corruptors and the corrupted; nor do we now conceive, how any

<sup>1</sup> By acts of 1782 and 1783 (22 Geo. III, c. 51; 23 Geo. III, c. 36 and c. 83).

reformation can proceed from the known abettors and supporters of the persons who have been guilty of the misdemeanors which Parliament has reprobated, and who for their own ill purposes have given countenance to a false and delusive state of the Company's affairs, fabricated to mislead Parliament, and to impose upon the nation.\*

Your Commons feel, with a just resentment, the inadequate estimate which your Ministers have formed of the importance of this great concern. They call on us to act upon the principles of those who have not enquired into the subject; and to condemn those who, with the most laudable diligence, have examined and scrutinized every part of it. The deliberations of Parliament have been broken; the season of the year is unfavourable; many of us are new Members, who must be wholly unacquainted with the subject, which lies remote from the ordinary course of general information.

We are cautioned against an infringement of the Constitution; and it is impossible to know, what the secret advisers of the Crown, who have driven out the late Ministers for their conduct in Parliament, and have dissolved the late Parliament for a pretended attack upon prerogative, will consider as such an infringement. We are not furnished with a rule, the observance of which can make us safe from the resentment of the Crown, even by an implicit obedience to the dictates of the Ministers who have advised that Speech:<sup>3</sup> We know not how soon those Ministers may be disavowed; and how soon the Members of this House, for our very agreement with them, may be considered as objects of his Majesty's displeasure. Until by his Majesty's goodness and wisdom the late example is completely done away, we are not free.

We are well aware, in providing for the affairs of the East, what an adult strength of abuse, and of wealth and influence growing out of that abuse, his Majesty's Commons had, in the last Parliament, and we still have, to struggle. We are sensible that the influence of that wealth, in a much larger degree and measure than at any former period, may have penetrated

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\* The purpose of the misrepresentation being now completely answered, there is no doubt but the Committee in this Parliament, appointed by the Ministers themselves, will justify the grounds upon which the last Parliament proceeded; and will lay open to the world, the dreadful state of the Company's affairs, and the grossness of their own calumnies upon this head.<sup>1</sup> By delay the new Assembly is come into the disgraceful situation of allowing a dividend of eight per cent. by Act of Parliament, without the least matter before them to justify the granting of any dividend at all.<sup>2</sup>

<sup>1</sup> See *Corr.* v. 147.

<sup>2</sup> The new Parliament had passed an act permitting the Company to pay a half-yearly dividend of 4 per cent (24 Geo. III, c. 2).

<sup>3</sup> See above, p. 191.

into the very quarter from whence alone any real reformation can be expected.\*

If therefore, in the arduous affairs recommended to us, our Proceedings should be ill adapted, feeble and ineffectual; if no delinquency should be prevented, and no delinquent should be called to account; if every person should be caressed, promoted, and raised in power, in proportion to the enormity of his offences; if no relief should be given to any of the natives unjustly dispossessed of their rights, jurisdictions, and properties; if no cruel and unjust exactions shall be forborne; if the source of no speculation, or oppressive gain should be cut off; if, by the omission of the opportunities that were in our hands, our Indian empire should fall into ruin irretrievable; and in its fall crush the credit, and overwhelm the Revenues of this country, we stand acquitted to our honour, and to our conscience, who have reluctantly seen the weightiest interests of our country, at times the most critical to its dignity and safety, rendered the sport of the inconsiderate and unmeasured ambition of individuals, and by that means the wisdom of his Majesty's Government degraded in the public estimation, and the policy and character of this renowned nation rendered contemptible in the eyes of all Europe.

It passed in the Negative.

Burke could hardly have been surprised that ministerial supporters treated his *Representation* with disdain. Nor did he profess himself as expecting endorsement from his opposition colleagues: he said he had acted 'solely from himself', consulting nobody

\* This will be evident to those who consider the number and description of Directors and Servants of the East India Company, chosen into the present Parliament.<sup>1</sup> The light in which the present Ministers hold the labours of the House of Commons, in searching into the disorders in the Indian Administration, and all its endeavours for the reformation of the Government there, without any distinction of times, or of the persons concerned, will appear from the following extract from a speech of the present Lord Chancellor. After making an high flown panegyrick on those whom the House of Commons had condemned by their resolutions, he said—"Let us not be misled by reports from Committees of *another* House, to which, I again repeat, I pay as much attention, as I would do to the history of *Robinson Crusoe*. Let the conduct of the East-India Company be fairly and fully enquired into; let it be acquitted or condemned by evidence brought to the bar of the House. Without entering very deep into the subject, let me reply in a few words to an observation which fell from a noble and learned Lord, that the Company's finances are distressed, and that they owe at this moment, a million sterling, to the nation.<sup>2</sup> When such a charge is brought, will Parliament in its justice forget, that the Company is restricted from employing *that credit, which its great and flourishing situation* gives to it?"<sup>3</sup>

<sup>1</sup> Burke was convinced that the House of Commons elected in 1784 had been heavily corrupted by Indian wealth. The number of those connected with the Company returned at that election did not in fact increase markedly, rising from some 58 before the dissolution to 60 after it (Cannon, *Fox-North Coalition*, p. 221).

<sup>2</sup> Alexander Wedderburn (1733-1805), 1st Baron Loughborough, later (1801) 1st Earl of Rosslyn.

<sup>3</sup> Burke is quoting from a speech on 9 December 1783 by the Lord Chancellor, Edward Thurlow (1731-1806), 1st Baron Thurlow; see *Parl. Reg.*, xiv. 21.

else and not seeking to make it a party matter. His *Representation* seems, however, to have been a bid to give a firm direction to opposition to Pitt. When an old political ally who had lost his seat in 1784 asked him 'Why it was not made more of a Party Concern, to be supported by our Friends in Concert', his reply showed his disappointment. 'Truly I can give no good reason for it. Such was their pleasure. If I had followed the prevailing opinion I never would have made the Motion. But I was resolved to take my own way and to leave them to take theirs.'<sup>1</sup> Windham reported that among some of his colleagues 'Burke's judgement is a standing topic of ridicule'.<sup>2</sup> Yet Burke's belief that the past must be confronted and the record put straight was to prevail in an unexpected way. The *Representation* was a forerunner of the charges against Warren Hastings, similar in purpose and in form but producing an entirely different outcome.

## Speech on Parliamentary Reform 16 June 1784

Sources: 1. *Morning Chronicle*, 17 June 1784

2. *Works* (1792–1827), v. 387–98

Burke intervened late in the debate on 16 June, but in the face of persistent noise and interruption from some members he could not get a hearing. The *Morning Chronicle* on 17 June carried the longest report of what he was able to say. This was repeated in *Parl. Reg.*, xv. 207–8 and in *Parl. Hist.*, xxiv. 1000–1. Burke did, however, leave material from which what he might have said can be deduced. Burke's first editors reconstructed a speech on parliamentary reform from three MSS. sections which appear not to have survived. They attributed the speech to a debate on 7 May 1782 on Pitt's motion for a committee to inquire into the system of representation. There is, however, no record of Burke having spoken in that particular debate and internal evidence makes it clear that their material must be dated to 1784. It seems highly likely, as the editor of *Speeches* (1816) concluded, that the MSS. on which the text were based related to the debate on 16 June 1784. It is unclear whether they were notes made in preparation for delivering a speech or were compiled afterwards as a record of his considered views on the subject, perhaps with a view to publication. The latter seems the more probable.

Soon after he entered the House in 1780, William Pitt took the initiative in pressing for parliamentary reform. In May 1782 he proposed that a committee be set up to consider the electoral system. His motion was lost by 161 votes to 141. The following year he was somewhat more specific in urging that the number of county M.P.s be increased, perhaps by a hundred. The margin of his defeat then was much greater, 293 votes to 149. After he had become the King's chief minister in 1784, Pitt was asked by John Sawbridge,<sup>3</sup> a London M.P. and a persistent advocate of electoral reform, whether he would take up the issue again. He professed himself still to be committed to reform and to be willing to make proposals in the next session. Sawbridge was not prepared to wait and took on the responsibility of moving for a committee in this session. There could be no doubt that Burke would be hostile to any such move. Throughout his public life he had expressed doubts about changes in the representative system, as in *Observations on a Late State of the Nation* in 1769<sup>4</sup> and in *Thoughts on the Present Discontents* in 1770.<sup>5</sup> He had spoken at length in 1780

<sup>1</sup> Burke's correspondent was William Baker (1743–1824), *Corr.* v. 153–6.

<sup>2</sup> Letter to S. Parr, 25 May 1784, Johnstone, ed., *Parr Works*, vii. 338.

<sup>3</sup> (c.1732–95).

<sup>4</sup> Vol. ii, pp. 177–8.

<sup>5</sup> Vol. ii, pp. 308–9.



against any attempt to shorten the length of Parliaments in order to make them more accountable to the electorate.<sup>1</sup> In a poorly reported speech he had again condemned proposals for shorter parliaments and for 'tinkering' with the constitution on 17 May 1782.<sup>2</sup> On 19 February 1783, when Pitt gave notice that he intended again to introduce a bill, Burke went further than he was ever to do again in accepting that there might be a case for limited parliamentary reform. He thought 'the Subject of Representation of great Importance and required some Attention; for though he was as delicate as any Man to touch with irreverend Hand the noble and ancient Fabric of the Constitution, still he thought some Regulations, upon a thorough Investigation of the Subject, might be adopted without Prejudice to the Rights of Persons or Injury to the State.'<sup>3</sup> He would have spoken in the debate on 7 May 1783 on Pitt's proposals had not 'many members rising to come out of the House' put him off.<sup>4</sup> On 12 March 1784 he was reported to have 'declared his aversion' to consideration of parliamentary reform as 'a subject that served only to inflame party disputes, and that never could be productive of any advantage', and he had threatened 'to bring forward some motion, in order to prevent any future discussion'.<sup>5</sup> On 16 June he tried to intervene in the debate but was given no opportunity to elaborate on his objections. These, as the MSS. material indicates, were derived from political principles, such as that prescription and habit were far better guides than abstract claims to rights, that were to dominate his responses to the revolutionary tumults that lay ahead.

### (1) *MORNING CHRONICLE*, 17 June 1784

Mr. *Burke* with a great deal of difficulty obtained a hearing, but he was not suffered to proceed long, such was the impatience of the House, for the question. Mr. *Burke* chiefly directed his argument to that part of Mr. *Pitt's* speech in which he had mentioned the American war, and called upon the Chancellor to shew how the American war originated in the state of Parliamentary Representation?<sup>6</sup> He put the question in two or three different ways, but before he could proceed farther, he was interrupted, and a warm altercation took place, some of the young members vociferating so loudly as to prevent Mr. *Burke* from being distinctly heard. At length, after complaining of the indecent and disorderly conduct of a part of the House, Mr. *Burke* declared he had something to say which he conceived was well worth their hearing, but it was too much for him to stand up

<sup>1</sup> Vol. iii, pp. 588–602.

<sup>2</sup> He was reported as having spoken for over an hour. The *Morning Chronicle* of 18 May 1782 called it 'one of the most able speeches we ever heard in Parliament. We scarcely ever remember listening to an argument so expansive of true knowledge of the constitution, and so manifestly pointing out the danger of tinkering with it'; see also *Parl. Reg.*, vii. 183. Sheridan called it a 'scream of passion' against reform (Lord J. Russell, ed., *Memorials and Correspondence of Charles James Fox*, 4 vols., London, 1853–7, i. 322).

<sup>3</sup> *Public Advertiser*, 20 Feb. 1783.

<sup>4</sup> *Morning Chronicle*, 8 May 1783.

<sup>5</sup> *Morning Post*, 13 Mar. 1784.

<sup>6</sup> Pitt had 'ascribed the long continuation of the American War . . . to a corrupt system which owed its origin to the want of reform in the state of representation' (*Parl. Reg.*, xv. 205). That the American War had been sustained by a corrupt House of Commons against public opinion was an essential argument for the parliamentary reformers. Burke, however, insisted that the House as it was at present constituted was responsive to public opinion, and had shown this in supporting the war.

against so violent a clamour. He saw he was among a parcel of rocks, the sides of which resounded with the intemperate lashing of a roaring surge, and therefore, though he was past, and had got the better of those feelings, which they who were so stupidly clamorous, hoped to oppress him with, he thought it more prudent, for the moment, to bow to the storm.<sup>1</sup>

(2) *WORKS* (1792–1827), v. 387–98.

Mr. Speaker,

WE have now discovered, at the close of the eighteenth century, that the Constitution of England, which for a series of ages had been the proud distinction of this Country, always the admiration and sometimes the envy of the wise and learned in every other Nation, we have discovered that this boasted Constitution, in the most boasted part of it, is a gross imposition upon the understanding of mankind, an insult to their feelings, and acting by contrivances destructive to the best and most valuable interests of the people. Our political architects have taken a survey of the fabrick of the British Constitution. It is singular that they report nothing against the Crown, nothing against the Lords; but in the House of Commons every thing is unsound; it is ruinous in every part. It is infested by the dry rot, and ready to tumble about our ears without their immediate help. You know by the faults they find, what are their ideas of the alteration. As all government stands upon opinion, they know that the way utterly to destroy it, is to remove that opinion, to take away all reverence, all confidence from it; and then at the first blast of publick discontent and popular tumult it tumbles to the ground.

In considering this question, they who oppose it, oppose it on different grounds; one is, in the nature of a previous question; that some alterations may be expedient, but that this is not the time for making them. The other is, that no essential alterations are at all wanting; and that neither *now*, nor at *any* time is it prudent or safe to be meddling with the fundamental principles, and antient tried usages of our Constitution—that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be, and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism and rash experiment.

<sup>1</sup> Burke was said 'after five fruitless efforts to gain the permission of the House to be heard' to have 'broke away in a violent passion, and did not return to vote at all' (*Historical Manuscripts Commission: Rutland MSS.*, iii. 110).

On the other side, there are two parties who proceed on two grounds, in my opinion, as they state them, utterly irreconcilable. The one is juridical, the other political. The one is in the nature of a claim of right, on the supposed rights of man as man; this party desire the decision of a suit. The other ground, as far as I can divine what it directly means, is, that the Representation is not so politically framed as to answer the theory of its institution. As to the claim *of right*, the meanest petitioner, the most gross and ignorant, is as good as the best; in some respects his claim is more favourable on account of his ignorance; his weakness, his poverty and distress, only add to his titles; he sues in *forma pauperis*;<sup>1</sup> he ought to be a favourite of the Court. But when the *other* ground is taken, when the question is political, when a new Constitution is to be made on a sound theory of government, then the presumptuous pride of didactick ignorance is to be excluded from the counsel in this high and arduous matter which often bids defiance to the experience of the wisest. The first claims a personal representation, the latter rejects it with scorn and fervour. The language of the first party is plain and intelligible; they who plead an absolute right cannot be satisfied with any thing short of personal representation, because all *natural* rights must be the rights of individuals; as by *nature* there is no such thing as politick or corporate personality; all these ideas are mere fictions of Law, they are creatures of voluntary institution; men as men are individuals and nothing else. They therefore who reject the principle of natural and personal representation are essentially and eternally at variance with those who claim it. As to the first sort of Reformers, it is ridiculous to talk to them of the British Constitution upon any or upon all of its bases; for they lay it down that every man ought to govern himself, and that where he cannot go himself he must send his Representative; that all other government is usurpation, and is so far from having a claim to our obedience, it is not only our right but our duty to resist it. Nine-tenths of the Reformers argue thus, that is on the natural right. It is impossible not to make some reflection on the nature of this claim, or avoid a comparison between the extent of the principle and the present object of the demand. If this claim be founded, it is clear to what it goes. The House of Commons in that light undoubtedly is no representative of the people as a collection of individuals. Nobody pretends it, nobody can justify such an assertion. When you come to examine into this claim of right, founded on the right of self-government in each individual, you find the thing demanded infinitely

<sup>1</sup> In the form of a pauper: that is, of a litigant who was spared court fees because of his or her poverty.

short of the principle of the demand. What! one *third only* of the Legislature, and of the Government no share at all? What sort of treaty of partition is this for those who have an inherent right to the whole? Give them all they ask, and your grant is still a cheat; for how comes only a third to be their younger-children's-fortune in this settlement? How came they neither to have the choice of Kings, or Lords, or Judges, or Generals, or Admirals, or Bishops, or Priests, or Ministers, or Justices of Peace? Why, what have you to answer in favour of the prior rights of the Crown and Peerage but this—our Constitution is a prescriptive Constitution, it is a Constitution whose sole authority is, that it has existed time out of mind. It is settled in these *two* portions against one, legislatively; and in the whole of the judicature, the whole of the federal capacity,<sup>1</sup> of the executive, the prudential and the financial administration, in one alone. Nor was your House of Lords and the prerogatives of the Crown settled on any adjudication in favour of natural rights, for they could never be so partitioned. Your King, your Lords, your Judges, your Juries, grand and little, all are prescriptive; and what proves it, is the disputes not yet concluded, and never near becoming so, when any of them first originated. Prescription is the most solid of all titles, not only to property, but, which is to secure that property, to Government. They harmonize with each other, and give mutual aid to one another. It is accompanied with another ground of authority in the constitution of the human mind, presumption. It is a presumption in favour of any settled scheme of government against any untried project, that a nation has long existed and flourished under it. It is a better presumption even of the *choice* of a nation, far better than any sudden and temporary arrangement by actual election. Because a nation is not an idea only of local extent, and individual momentary aggregation, but it is an idea of continuity, which extends in time as well as in numbers and in space. And this is a choice not of one day, or one set of people, not a tumultuary and giddy choice; it is a deliberate election of ages and of generations; it is a Constitution made by what is ten thousand times better than choice, it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time. It is a vestment, which accommodates itself to the body. Nor is prescription of government formed, upon blind unmeaning prejudices—for man is a most unwise and a most wise being. The individual is foolish. The multitude for the moment

<sup>1</sup> The capacity of conducting relations with other states.



is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it almost always acts right.

The reason for the Crown as it is, for the Lords as they are, is my reason for the Commons as they are, the Electors as they are. Now if the Crown and the Lords and the Judicatures are all prescriptive, so is the House of Commons of the very same origin, and of no other. We and our Electors have their powers and privileges both made and circumscribed by prescription as much to the full as the other parts; and as such we have always claimed them, and on no other title. The House of Commons is a legislative body corporate by prescription, not made upon any given theory, but existing prescriptively—just like the rest. This prescription has made it essentially what it is, an aggregate collection of three parts, Knights, Citizens, Burgesses. The question is, whether this has been always so since the House of Commons has taken its present shape and circumstances, and has been an essential operative part of the Constitution; which, I take it, it has been for at least five hundred years.

This I resolve to myself in the affirmative: and then another question arises, whether this House stands firm upon its antient foundations, and is not by time and accidents so declined from its perpendicular, as to want the hand of the wise and experienced architects of the day to set it upright again, and to prop and buttress it up for duration;—whether it continues true to the principles upon which it has hitherto stood;—whether this be *de facto* the Constitution of the House of Commons as it has been since the time that the House of Commons has, without dispute, become a necessary and an efficient part of the British Constitution? To ask whether a thing which has always been the same stands to its usual principle, seems to me to be perfectly absurd; for how do you know the principles but from the construction? and if that remains the same, the principles remain the same. It is true, that to say your Constitution is what it has been, is no sufficient defence for those who say it is a bad Constitution. It is an answer to those who say that it is a degenerate Constitution. To those who say it is a bad one, I answer, look to its effects. In all moral machinery, the moral results are its test.

On what grounds do we go, to restore our Constitution to what it has been at some given period, or to reform and re-construct it upon principles more conformable to a sound theory of government? A prescriptive Government, such as ours, never was the work of any Legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning and a perfect confusion of ideas, to take the theories which

learned and speculative men have made from that Government, and then supposing it made on those theories which were made from it, to accuse the Government as not corresponding with them. I do not vilify theory and speculation—no, because that would be to vilify reason itself, *Neque decipitur ratio, neque decipit unquam*.<sup>1</sup> No; whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded or imperfect theory; and one of the ways of discovering, that it is a false theory, is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men—does it suit his nature in general;—does it suit his nature as modified by his habits?

The more frequently this affair is discussed, the stronger the case appears to the sense and the feelings of mankind. I have no more doubt than I entertain of my existence, that this very thing which is stated as an horrible thing, is the means of the preservation of our Constitution whilst it lasts; of curing it of many of the disorders, which, attending every species of institution, would attend the principle of an exact local representation, or a representation on the principle of numbers. If you reject personal representation, you are pushed upon expedience; and then what they wish us to do is, to prefer their speculations on that subject to the happy experience of this Country of a growing liberty and a growing prosperity for five hundred years. Whatever respect I have for their talents, this for one I will not do. Then what is the standard of expedience? Expedience is that, which is good for the community and good for every individual in it. Now this expedience is the *desideratum*; to be sought either without the experience of means, or with that experience. If without, as in case of the fabrication of a new Commonwealth, I will hear the learned arguing what promises to be expedient: but if we are to judge of a Commonwealth actually existing, the first thing I enquire is, what has been *found* expedient or inexpedient? and I will not take their *promise* rather than the *performance* of the Constitution.

\* \* \* But no, this was not the cause of the discontents. I went through most of the Northern parts,<sup>2</sup>—the Yorkshire Election was then raging,<sup>3</sup> the year before, through most of the Western Counties<sup>4</sup>—Bath, Bristol, Gloucester—not one word, either in the towns or country, on the subject of

<sup>1</sup> Neither does our system deceive nor ever is deceived; Manilius, *Astronomica*, ii. 132.

<sup>2</sup> Presumably on his way to Scotland to be installed as the Lord Rector of Glasgow on 10 April 1784.

<sup>3</sup> The outcome in the county constituency of Yorkshire, the biggest in Britain, was probably the most significant one in the 1784 election. The candidates supported by Fox and the old Rockingham interest were forced to concede defeat to those supporting Pitt by declining the poll.

<sup>4</sup> Burke had travelled through the western counties on the way to Weymouth in September 1783.

representation—much on the Receipt Tax,<sup>1</sup> something on Mr. Fox's ambition,<sup>2</sup> much greater apprehension of danger from thence than from want of representation. One would think that the ballast of the ship was shifted with us, and that our Constitution had the gunnel under water. But can you fairly and distinctly point out what one evil or grievance has happened, which you can refer to the Representative not following the opinion of his Constituents? What one symptom do we find of this inequality? But it is not an arithmetical inequality, with which we ought to trouble ourselves. If there be a moral, a political equality, this is the *desideratum* in our Constitution, and in every Constitution of the world. Moral inequality is as between places and between classes. Now I ask—what advantage do you find that the places which abound in representation possess over others, in which it is more scanty, in security for freedom, in security for justice, or in any one of those means of procuring temporal prosperity and eternal happiness, the ends for which society was formed? Are the local interests of Cornwall<sup>3</sup> and Wiltshire<sup>4</sup> for instance, their roads, canals, their prisons, their police, better than Yorkshire,<sup>5</sup> Warwickshire<sup>6</sup> or Staffordshire?<sup>7</sup> Warwick has Members—is Warwick or Stafford more opulent, happy or free, than Newcastle or than Birmingham?<sup>8</sup> Is Wiltshire the pampered favourite; whilst Yorkshire, like the child of the bond-woman, is turned out to the desert?<sup>9</sup> This is like the unhappy persons, who live, if they can be said to live, in the Statical Chair: who are ever feeling their pulse, and who do not judge of health by the aptitude of the body to perform its functions, but by their ideas of what ought to be the true balance between the several secretions.<sup>10</sup> Is a

<sup>1</sup> A stamp tax on receipts for sums of more than £2 had been introduced in 1782. It was very unpopular, especially among the small traders of London. A motion for its repeal was defeated on 18 June 1784.

<sup>2</sup> Shown, it was alleged, by the powers he was proposing to give himself and his cronies by the India Bill.

<sup>3</sup> There were 21 boroughs returning M.P.s in Cornwall, many with very small electorates.

<sup>4</sup> Wiltshire had 16 parliamentary boroughs.

<sup>5</sup> Yorkshire, the biggest county in England, had 14 borough seats. Most of its major manufacturing centres were not directly represented.

<sup>6</sup> There were only two parliamentary boroughs in Warwickshire.

<sup>7</sup> Four Staffordshire boroughs returned M.P.s.

<sup>8</sup> Warwick and Birmingham were in the same county. Warwick returned M.P.s; Birmingham did not. The contrast that Burke intended for his other pair of towns is unclear: both were in Staffordshire but both Stafford and Newcastle-under-Lyme were parliamentary boroughs, as was Newcastle-upon-Tyne.

<sup>9</sup> Gen. 21: 10.

<sup>10</sup> Sanctiorius Sanctiorius of Padua (1561–1636) devised a weighing chair for weighing himself before and after various activities to determine his state of health.

Committee of Cornwall, &c. thronged, and the others deserted? No. You have an equal representation, because you have men equally interested in the prosperity of the whole, who are involved in the general interest and the general sympathy; and, perhaps, these places furnishing a superfluity of publick agents and administrators (whether in strictness they are Representatives or not, I do not mean to enquire, but they are agents and administrators) they will stand clearer of local interests, passions, prejudices and cabals than the others, and therefore preserve the balance of the parts, and with a more general view and a more steady hand than the rest.\*\*\*\*\*

In every political proposal we must not leave out of the question the political views and object of the proposer; and these we discover not by what he says, but by the principles he lays down. I mean, says he, a moderate and temperate reform, that is, I mean to do as little good as possible.<sup>1</sup> If the Constitution be what you represent it, and there be no danger in the change, you do wrong not to make the reform commensurate to the abuse. Fine reformer indeed! generous donor! What is the cause of this parsimony of the liberty, which you dole out to the people? Why all this limitation in giving blessings and benefits to mankind? You admit that there is an extreme in liberty, which may be infinitely noxious to those who are to receive it, and which in the end will leave them no liberty at all. I think so too; they know it, and they feel it. The question is then, what is the standard of that extreme? What that gentleman and the Associations,<sup>2</sup> or some parts of their phalanxes, think proper. Then our liberties are in their pleasure; it depends on their arbitrary will how far I shall be free. I will

<sup>1</sup> Burke was probably referring to Pitt, who both in 1782 and in 1783 had stressed the moderation of his proposals.

<sup>2</sup> Burke had become increasingly alienated from the reforming associations that had come into existence from 1779. The Yorkshire Association, by far the most vigorous of them, was committed to parliamentary reform and had come out strongly in favour of candidates supporting Pitt at the Yorkshire election in 1784. In an undated draft, probably of 1784 or 1785, in which he urged care in ascertaining 'the nature of the disease' rather than fulminations that 'the House of Commons under its present Constitution is wholly corrupt; and utterly unfit for its purposes', Burke had developed a critique of political associations in general that clearly anticipates his denunciation of clubs and associations in both France and Britain at the time of the French Revolution. Such bodies did not 'follow an impulsion of the people, but wish to *lead* and *impell* the people to an adoption of their ideas . . . An association for an *unknown object*, expressive only of some *general plausible intention* is in my opinion the most dangerous thing in the world'. Its members would be drawn into 'acts which at first they never intended'. To excite 'a spirit in the people for some indefinite changes' was extremely dangerous. 'When that spirit is excited, it is impossible for you to know what changes may be proposed and carried for the people may refuse to be guided by you' (MS. at Northampton, A. xxxi. 3).



have none of that freedom. If therefore the standard of moderation be sought for, I will seek for it. Where? Not in their fancies, nor in my own; I will seek for it where I know it is to be found, in the Constitution I actually enjoy. Here it says to an encroaching prerogative—Your scepter has its length, you cannot add an hair to your head, or a gem to your Crown, but what an eternal Law has given to it. Here it says to an overweening peerage. Your pride finds banks that it cannot overflow: here to a tumultuous and giddy people, There is a bound to the raging of the Sea. Our Constitution is like our Island, which uses and restrains its subject Sea—in vain the waves roar. In that Constitution I know, and exultingly I feel, both that I am free, and that I am not free dangerously to myself or to others. I know that no power on earth, acting as I ought to do, can touch my life, my liberty, or my property. I have that inward and dignified consciousness of my own security and independence, which constitutes, and is the only thing which does constitute, the proud and comfortable sentiment of freedom in the human breast. I know too, and I bless God for my safe mediocrity.—I know, that if I possessed all the talents of the gentlemen on the side of the House I sit, and on the other, I cannot by Royal favour, or by popular delusion or by oligarchichal cabal, elevate myself above a certain, very limited point, so as to endanger my own fall or the ruin of my Country. I know there is an order that keeps things fast in their place; it is made to us, and we are made to it. Why not ask another wife, other children, another body, another mind?

The great object of most of these Reformers is to prepare the destruction of the Constitution by disgracing and discrediting the House of Commons. For they think, prudently in my opinion, that if they can persuade the nation that the House of Commons is so constituted, as not to secure the publick liberty; not to have a proper connection with the publick interests, so constituted, as not either actually or virtually to be the Representative of the people, it will be easy to prove that a Government, composed of a Monarchy, an Oligarchy chosen, by the Crown, and such a House of Commons, whatever good can be in such a system, can by no means be a system of free government.

The Constitution of England is never to have a quietus; it is to be continually vilified, attacked, reproached, resisted; instead of being the hope and sure anchor in all storms, instead of being the means of redress to all grievances, itself is the grand grievance of the nation, our shame instead of our glory. If the only specifick plan proposed, individual personal representation, is directly rejected by the person, who is looked on as the

great support of this business,<sup>1</sup> then the only way of considering it, is a question of convenience. An honourable gentleman prefers the individual to the present. He therefore himself sees no middle term whatsoever, and therefore prefers of what he sees the individual—this is the only thing distinct and sensible that has been advocated. He has then a scheme, which is the individual representation—he is not at a loss, not inconsistent—which scheme the other Right honourable Gentleman reprobates.<sup>2</sup> Now what does this go to, but to lead directly to anarchy? For to discredit the only Government, which he either possesses or can project, what is this but to destroy all government; and this is anarchy. My right honourable friend, in supporting this motion, disgraces his friends and justifies his enemies in order to blacken the Constitution of his Country, even of that House of Commons, which supported him.<sup>3</sup> There is a difference between a moral or political exposure of a publick evil relative to the administration of government, whether in men or systems, and a declaration of defects real or supposed in the fundamental Constitution of your Country. The first may be cured in the individual by the motives of religion, virtue, honour, fear, shame, or interest; men may be made to abandon also false systems by exposing their absurdity or mischievous tendency to their own better thoughts or to the contempt or indignation of the publick; and after all, if they should exist, and exist uncorrected, they only disgrace individuals as fugitive opinions. But it is quite otherwise with the frame and Constitution of the State; if that is disgraced, patriotism is destroyed in its very source. No man has ever willingly obeyed, much less was desirous of defending with his blood, a mischievous and absurd scheme of government. Our first, our dearest most comprehensive relation, our Country is gone.

It suggests melancholy reflections, in consequence of the strange course we have long held, that we are now no longer quarrelling about the character or about the conduct of men, or the tenour of measures; but we are grown out of humour with the English Constitution itself; this is become the object of the animosity of Englishmen. This Constitution in former days used to be the admiration and the envy of the world; it was the pattern for politicians; the theme of the eloquent; the meditation of the

<sup>1</sup> Presumably the Duke of Richmond, whose commitment to radical reform was waning, see A. G. Olson, *The Radical Duke: The Career and Correspondence of Charles Lennox, Third Duke of Richmond*, Oxford, 1961, pp. 64–5.

<sup>2</sup> The ‘honourable gentleman’ was presumably Sawbridge and the ‘other Right Honourable gentleman’ Pitt.

<sup>3</sup> Fox had strongly supported Sawbridge’s motion. He explained that recent events had converted him to a conviction that shortening their length was necessary for the freedom and independence of Parliament.

philosopher in every part of the world—as to Englishmen it was their pride, their consolation. By it they lived,—for it they were ready to die. Its defects, if it had any, were partly covered by partiality and partly borne by prudence. Now all its excellencies are forgot, its faults are now forcibly dragged into day, exaggerated by every artifice of representation; it is despised and rejected of men;<sup>1</sup> and every device and invention of ingenuity or idleness set up in opposition or in preference to it. It is to this humour, and it is to the measures growing out of it, that I set myself (I hope not alone) in the most determined opposition. Never before did we at any time in this Country meet upon the theory of our frame of Government, to sit in judgment on the Constitution of our Country, to call, it as a delinquent before us, and to accuse it of every defect and every vice—to see whether it, an object of our veneration, even our adoration, did or did not accord with a preconceived scheme in the minds of certain gentlemen. Cast your eyes on the journals of Parliament. It is for fear of losing the inestimable treasure we have, that I do not venture to game it out of my hands for the vain hope of improving it. I look with filial reverence on the Constitution of my Country, and never will cut it in pieces and put it into the kettle of any magician, in order to boil with the puddle of their compounds into youth and vigour.<sup>2</sup> On the contrary, I will drive away such pretenders; I will nurse its venerable age, and with lenient arts extend a parent's breath.

A motion that the previous question be put, bringing to an end the debate and thereby rejecting Sawbridge's motion for a committee, passed by 199 votes to 125. Pitt was, however, to redeem his promise to bring in proposals for reform in the next session.<sup>3</sup>

## Speech on Transportation of Convicts 16 March 1785

Sources: 1. *Parl. Hist.*, xxv. 391–2.

2. *Morning Chronicle*, 17 March 1785.

The version of Burke's main speech appearing in *Parl. Hist.* was for the most part based on that in *Parl. Reg.*, xvii. 430, which was derived from *Morning Herald*, 17 March 1785. Significant material was, however, added to the later sections of speech, which cannot be found in *Parl. Reg.* or in any surviving newspaper. The *Morning Chronicle* recorded brief exchanges after the main speech between Burke and two other M.P.s.

<sup>1</sup> Isaiah 53: 3.

<sup>2</sup> According to legend, at the instigation of the Greek magician Medea, the daughters of Pelias, King of Iolcos, killed and boiled their father in a magic cauldron to restore his youth. They failed.

<sup>3</sup> See below, pp. 232–4.

For much of the eighteenth century British authorities sentenced criminals convicted of some felonies to transportation beyond the seas, while many convicted capitally had their sentences commuted to transportation so as to reduce the number of executions. From 1718 until the outbreak of the American Revolution, perhaps as many as 50,000 convicts were sent to the American colonies, where their labour was sold to merchants and planters. The war interrupted this traffic. As a temporary measure, Parliament instituted, in place of transportation, the punishment of hard labour on rivers and harbours, some of the convicts being lodged on the notorious hulks in the Thames. After the war, attempts to resume transportation to the United States or to the remaining British American colonies were unsuccessful. In August 1784 the Pitt administration enacted a comprehensive new Transportation Act,<sup>1</sup> which allowed the King-in-Council rather than Parliament to fix the place of transportation. Burke spoke on the motion to introduce the bill. According to the two fullest newspaper accounts of what he said, he deplored that penal policy was more concerned with punishing offences than with 'the establishment of such a police as would remove all cause for punishment',<sup>2</sup> but he evidently accepted that transportation was a necessary part of the penal system. The government, in his view, had not exerted itself enough to find overseas destinations for transported convicts.<sup>3</sup> At the end of December 1784 the government decided to send convicts to West Africa. A convict settlement was to be created on Lemain (Lemane), an island in the River Gambia. Orders-in-Council were issued in early March 1785 for 200 convicts to be shipped there. The Home Office decided, however, that to send convicts immediately, so that they arrived in 'the sickly or rainy season', would be sending them to 'their immediate destruction'.<sup>4</sup> They were not to sail until the following September. News of the intention to settle Lemain had leaked out to Burke. Presumably unaware of the decision to postpone the dispatch of the convicts, he raised the matter in the House of Commons.<sup>5</sup>

(1) *PARL. HIST.* XXV. 391–2

Mr. *Burke* called the attention of the House to the melancholy situation under which those unfortunate people laboured who were sentenced to transportation. In a country that prided itself on the mild and indulgent principles of its laws, it should not be suffered that the situation of particular delinquents, instead of being meliorated by provisions dictated by clemency, should become infinitely more severe than could be inflicted in the utmost rigour and severity of the law. The number of convicts under this description was at present estimated at not less than 100,000.<sup>6</sup> Every principle of justice and humanity required, that punishment should not be inflicted beyond those prescribed and defined to particular kinds of

<sup>1</sup> 24 Geo. III, c. 56.

<sup>2</sup> *Morning Chronicle*, 29 July 1784.

<sup>3</sup> *Morning Herald*, 29 July 1784.

<sup>4</sup> E. Nepean to C. Middleton, 8 Mar. 1785, reference kindly supplied by Alan Frost, who has generously given access to much important archival material which he has collected.

<sup>5</sup> This paragraph is based on A. Frost, *Botany Bay: The Real Story*, Collingwood, Victoria, 2012, which adds new findings to his *Convicts and Empire: A Naval Question 1776–1811*, Melbourne, 1980.

<sup>6</sup> This figure is puzzling and seems to be an error. Frost estimates that the number of felons awaiting transportation at this time would probably have numbered rather more than a thousand but less than two thousand.



delinquency. But that principle received additional force, when it was considered that these extraordinary severities were exercised under the appearance of mercy; that is to say, they were remitted certain punishments by the mild spirit and principles of the English law; and received, in commutation, others, infinitely more severe than the the most rigid construction of the laws had, in the worst of cases, designed for them. There was, in the mode of punishing by transportation, no distinction made between trivial crimes and those of greater enormity, all indiscriminately suffered the same miserable fate, however unequal their transgressions, or different their circumstances. Besides these considerations, some regard should, in these times of difficulty and distress, be paid to frugality and economy. The business of transporting convicts, among other inconveniencies, was attended with a very considerable expense. Instances of profuse expenditure were sometimes justifiable, when they had humanity and clemency for their object; but could never derive any sanction from cruelty and inhumanity. He wished to know what was to be done with these unhappy wretches; and to what part of the world it was intended by the minister they should be sent. He hoped it was not to Gambia, which though represented as a wholesome place, was the capital seat of plague, pestilence, and famine. The gates of Hell were there open night and day to receive the victims of the law; but not those victims which either the letter, or the spirit of the law, had doomed to a punishment, attended with certain death. This demanded the attention of the legislature. They should in their punishments remember, that the consequences of transportation were not meant to be deprivation of life: and yet in Gambia it might truly be said that there 'all life dies and all death lives.'<sup>1</sup> He would wish as a preliminary to something being done on the subject, that the state of the prisons, so far as respected persons under sentence of transportation, were laid before the House; and this he thought would come best by several motions, which agreeable to the House, he should propose. Before he did this he wished to know whether any contract had yet been centred into for sending these convicts to the coast of Africa. [He was answered, No.]

(2) *MORNING CHRONICLE*, 17 March 1785

Mr. *Burke* then rose to make some motions relative to the punishment of persons convicted of such crimes, as were usually followed with a sentence of transportation. Mr. *Burke* said, under a pretence of humanity, we were

<sup>1</sup> 'Where all life dies, death lives'; Milton, *Paradise Lost*, ii. 624.

guilty of the grossest cruelty, and by the commutation of punishment, on the ground of inflicting a milder sentence, convicts were doomed to sufferings, compared with which, the gibbet was gentle and the halter mercy. He alluded to the mode of transporting convicts to Africa, by way of a merciful exchange of punishment. Mr. Burke read his first motion for an account of all the convicts now under sentence of being transported to any of the colonies in the River Gambia to be laid before the House.

Lord Beauchamp<sup>1</sup> said he had already made a similar motion.

Mr. *Burke* then rose and after again expatiating on the absurdity of engrafting cruelty on humanity, was about to state another Motion, when the Speaker recommended it to him to postpone the business to the next day.

Alderman Newnham<sup>2</sup> stressed that the need to find a place to which convicts could be transported was urgent, since the jails were full and it would be 'a manifest injury to the community' if the convicts 'were suffered to remain in the kingdom, and ultimately were turned loose upon the Publick'.

Mr. *Burke* said that he would make but a single word of reply. The matter he had treated of called not for declamation. They all well knew, that in many instances remission of punishment to criminals was a great inhumanity to the innocent; all that he aimed at, was, that when they professed to be merciful, they should not enthrone cruelty on the very bosom of mercy. When a lenient commutation of punishment was pretended, the punishment substituted should not be more harsh and more severe than that which was abandoned to make room for it.

## Speech on Transportation of Convicts

11 April 1785

Source: *Morning Chronicle*, 12 April 1785.

The *Morning Chronicle* carried the fullest surviving newspaper report. The account of the debate in *Parl. Reg.* omitted any contribution by Burke; that in *Parl. Hist.*, xxv. 431–2 gave a short version.

Although any shipment of convicts to Africa had been shelved until the autumn, reports of sentences of transportation, specifically to Africa, were appearing in the press. Their destination was being identified as an 'island . . . said to lie in the middle of the river

<sup>1</sup> See above, p. 77.

<sup>2</sup> Nathaniel Newnham (c.1741–1809), M.P. for London.

Gambia'.<sup>1</sup> The item which caught Burke's attention was probably a report that seventy-eight convicts under sentence of transportation had been put 'on board a lighter at Blackfriars, which conveyed them to the vessel bound with them to Africa'.<sup>2</sup> Burke intervened in a debate initiated by Lord Beauchamp, who had said that he intended to move a motion about transportation, since he was especially concerned at reports that convicts were being sent to parts of Africa not under British authority.

Mr. *Burke* said, he had entertained a design on a former occasion, to trouble the House with some things upon the subject then under consideration, but had been prevented by his noble friend,<sup>3</sup> who had stated to him his own intention, and had assured him that the matter was under the deliberation of Government at the time, and consequently must soon be brought forward in Parliament. Since that time Mr. Burke said, and while he was at a pretty considerable distance from London, he had read in a newspaper a paragraph stating that seventy-four or five of the felons under sentence of transportation had been put on board a vessel to be transported to Africa. Now as his intention was to object to sending out any unfortunate human beings to linger out a miserable existence in Africa, there was not a minute to be lost in the business. Perhaps the next wind that blew might waft them to the place of their sufferings, and therefore it was necessary to press the matter on the consideration of the House. He went into a whimsical comparison between Newgate<sup>4</sup> and the House of Commons, declaring there were 558 members in the former assembly, as well as in that in which he was speaking; but that there wanted no call of the House to enforce an attendance, the House being constantly full without, the members for certain essential reasons, not being suffered to depart at will, but continuing altogether not in so comfortable a situation indeed as they were, for they had elbow room enough, while the other members were infinitely more crowded than they wished. Mr. Burke was pursuing this allusion when

Pitt called him to order since no motion was before the House and 'other business of importance was waiting to be brought on'. The Speaker agreed that Burke was being 'extremely disorderly'.

Mr. *Burke* rose again and said, he certainly meant not to make any Motion that day, but he meant to give notice that he would on some future occasion, perhaps the next day, make some Propositions relative to a set of men, who however they might be at one time the objects of his compassion

<sup>1</sup> Among many similar reports, see *Morning Chronicle*, 15 Apr. 1785.

<sup>2</sup> *Whitehall Evening Post*, 5-7 Apr. 1785.

<sup>3</sup> Lord Beauchamp. <sup>4</sup> London's main prison.

and at another the objects of his pleantry, were neither the objects of the compassion or the pleantry of the Right Honourable Gentleman; but, in the instance complained of by his noble friend, had been the objects of the Right Honourable Gentleman's total neglect.<sup>1</sup> What he had risen for, he said, had been to state, that he had originally intended to take up part of the time of the House on the subject on a former occasion, and that he had suspended his intention in consequence of his noble friend's assurance that the proper documents to be made the guide and ground-work of his arguments were called for and would soon be forthcoming. Mr. Burke complained that whenever the attention of the House was called to a subject that was so deeply interesting to its humanity, the matter was artfully contrived to be got rid of, by its being stated, that there was other business to come on. He reprobated the idea of sending convicts to Africa, as amounting to a severer punishment than that of death by the merciful gibbet. He said, the punishments of this country were uncommonly mild and lenient, compared to those of every other country on the face of the globe; it was a disgrace therefore to the national character, to suffer the extreme of severity to be practised, under pretence of a merciful commutation of punishment. Africa was, he declared, the sole part of the globe that he meant to mark as proper and necessary to be excluded and singled out, as that part of the globe to which convicts should on no account be transported. He added a variety of reasoning in support of this position, and appeared to be actuated by the most laudable spirit of humanity and liberal condition for the consideration for the convicts, who have heretofore been destined to transportation and sent to Africa.

The House resumed the business of the day. Further action was, however, shortly to be taken about transportation. A committee on transportation with Lord Beauchamp as chairman was convened on 20 April. Much evidence was given as to the inappropriateness of transportation to tropical Africa in general and to Lemain in particular. This was presented to the House of Commons on 9 May. Burke was a member of the committee, attending six of the eleven hearings. There is no record of his contribution, but it is highly likely that he did his best to reinforce the case against transportation to tropical Africa.<sup>2</sup> Attention shifted to Das Voltas Bay in southwestern Africa, initially the government's preferred destination but where a survey could not locate a suitable location, or to New South Wales. Botany Bay was eventually chosen as the site for a new colony to receive transported British convicts.

<sup>1</sup> Beauchamp complained that a return of the number of convicts under sentence of transportation ordered by the Commons had not been produced.

<sup>2</sup> See the committee's minutes, TNA, HO 7/1. This reference was kindly supplied by Alan Frost.



## Speech on Parliamentary Reform 18 April 1785

Sources: 1. *Morning Herald*, 19 April 1785.  
2. *General Evening Post*, 16–19 April 1785.

Delivered late in the debate, Burke's speech was poorly reported. The *Morning Herald* regretted that the 'lateness of the hour and the quantity of preceding matter' meant that its account of Burke's speech had to be shortened. The most substantial versions were those appearing in *Morning Herald*, 19 April 1785 and *General Evening Post*, 16–19 April. The text given here follows *Parl. Reg.*, xviii. 77–8 and *Parl. Hist.*, xxv. 469–70 in giving both the *Morning Herald's* and that of the *General Evening Post*. What is likely to have been the most substantial part of the speech—'a very extensive view of the present state of representation'—is not covered by either.

Pitt fulfilled his pledge to introduce a measure of parliamentary reform as minister on 18 April 1785. What he proposed was a limited redistribution of seats and the enfranchising of more voters in the county seats. The main proposal was that up to thirty-six small boroughs would go into voluntary extinction, if those qualified to vote accepted compensation from a government fund. The extra seats then created would be awarded to the counties or to London. Burke spoke to a crowded House, estimated at some 450 M.P.s. Whereas in the 1783 or the 1784 debates on parliamentary reform he had been given no sort of hearing, on this occasion he was 'very attentively attended to' and made what reporters thought had been a notable speech.<sup>1</sup>

### (1) *MORNING HERALD*, 19 April 1785

Mr. *Burke*, after entertaining the House for a considerable time on the Honourable Gentleman (Mr. Dundas's) conversion from the principles of anti-reformation,<sup>2</sup> proceeded to discuss the merits of the present question, as well as the manner of bringing it in. It offered one alternative, either to adopt this limited, confined plan of reform, or be perhaps liable to receive one from the Duke of Richmond, on a more enlarged scale.<sup>3</sup> Between the Minister and the House of Commons, there was the same species of conduct, as if a robber should enter the house of a man, and say, Let me take away such things as I please, and I shall lock the door, and keep out any other thieves; but if you refuse the offer, then take your chance of losing all.<sup>4</sup> The doctrine

<sup>1</sup> *Morning Chronicle*, 19 Apr. 1785; see also *Morning Herald*, 19 Apr. 1785.

<sup>2</sup> Dundas was emerging as the most prominent member of the administration, second only to Pitt. Burke 'ridiculed Mr. Dundas, who, he said, was like a character among the ancients that was deemed neither a man nor a woman, but both. In like manner, Mr. Dundas had been against the Reform, and now he was for the Reform, so he must know both sides of the question thoroughly' (*Morning Chronicle*, 19 Apr. 1785).

<sup>3</sup> Richmond advocated adult male suffrage and equal constituencies.

<sup>4</sup> Pitt had insisted that his plan would form 'a system permanent and unchangeable'. It was 'a measure that would cut off for ever the necessity of a second application to parliament on the subject' (*Morning Herald*, 19 Apr. 1785).

which had gained so much ground, and in conformity to which this plan had now been introduced, was that of universal representation. But this measure was only an illusion, from which no solid benefit would ever result. The influence of the country Gentlemen in Parliament was always known to preponderate, when they were united in opinion. The respectability which attended a man of landed property called for the most part into a situation which was in itself disagreeable, and rather a situation of duty and constraint, than an object of ambition. These circumstances added so much to the importance of their members, that the advocates of every measure were<sup>1</sup> glad to boast of them as their supporters. Where then was the prudence of throwing into that scale, in whose power the balance already was, that share of power which was pretended to be the means of keeping all parts of the House on the same level. He took a very extensive view of the present state of representation, and asked if the proprietors of boroughs had not been already sufficiently paid in the profusion of the honours of this country, without now opening the purse of the nation.<sup>2</sup>

(2) *GENERAL EVENING POST*, 16–19 April 1785

Mr. *Burke* spoke against the motion. He particularly adverted to the conduct of a Reverend Gentleman (Mr. Wyvil).<sup>3</sup> He took particular notice of the variety and extent of his correspondence, which he said was not confined to the Chancellor of the Exchequer, or to the Volunteers of Ireland.<sup>4</sup> Lord Shelburne<sup>5</sup> and Mr. Macgruger<sup>6</sup> had not been forgotten; and other celebrated names had been handed down to posterity by this reforming Divine. After reading several extracts from this correspondence, he proceeded to remark, that the Right Honourable Gentleman who had

<sup>1</sup> 'was' in original.

<sup>2</sup> Six out of fourteen new peerages created in January and May 1784 had been awarded to borough owners (J. Ehrman, *The Younger Pitt: The Years of Acclaim*, London, 1969, p. 625).

<sup>3</sup> Revd Christopher Wyvill (1740–1822), leading light of the Yorkshire Association and coordinator of the national reform movement. He had cooperated with the Rockinghams over economical reform in 1780, but since then his commitment to parliamentary reform and his alliance with Pitt, who consulted him closely on his bill, had driven him and Burke far apart.

<sup>4</sup> Many letters written by Wyvill himself were included in *A Collection of Letters which have been addressed to the Volunteers of Ireland on the subject of Parliamentary Reform*, London, 1783. He also published *Letters Addressed to the Committee of Belfast on the Proposed Reformation of the Parliament of Ireland*, York, 1783.

<sup>5</sup> Wyvill referred to his correspondence with Shelburne in *Letters Addressed to the Volunteers of Ireland*, pp. 16–17.

<sup>6</sup> Thomas McGrugar was Secretary of the Committee of Citizens of Edinburgh advocating parliamentary reform. He had also written to Burke, assuming that he was favourable to parliamentary reform; letter of 1 May 1783, MS. at Sheffield, Bk. 1. 1798.

formerly submitted to the House two plans for a more equal representation of the people, each of which was perfection itself,<sup>1</sup> now comes forward with a third, still more perfect than either of the former. He would allow that the present plan had many more palliatives in its composition than either of its brethren, for its operation was not likely to affect any of the Members of the present Parliament;<sup>2</sup> and he could not sufficiently admire the address of the Right Honourable Gentleman, in thus rendering his plan palatable to all parties. For his part, he considered the whole of it as mere delusion, an *ignis fatuus*,<sup>3</sup> calculated to mislead and to bewilder. He insisted that the Right Honourable Gentleman had abandoned the ground on which he originally took up this question.

He said that there had been many other schemes propagated, and in particular a noble Duke had written and circulated a plan,<sup>4</sup> which, of all others that he had read or heard of, paid the most respect to the original rights of men, and was founded on the most beautiful theory, and the most impracticable that could be imagined. He was sorry that for those properties it was not that which was chosen. The Right Honourable Gentleman had said as one argument in support of his scheme, that it was to be complete and final. How could he truly say this? What security could he give, that when his scheme was established, his most noble colleague would not come forward and insist, as a man and a Minister,<sup>5</sup> to carry into establishment his scheme also. The argument of the Right Honourable Gentleman was curious, and precisely this—Of the two evils pray accept of the least, and I promise you, that when you have suffered me to enter your premises to take away such part of your furniture as I may covet, I promise to shut the door and keep out the D— of R—<sup>6</sup> and such other mob as would carry all off that was left.<sup>7</sup>

<sup>1</sup> In 1782 and 1783, see above, p. 215.

<sup>2</sup> Small boroughs were only to be disenfranchised when the interests involved with them had agreed.

<sup>3</sup> A false light.

<sup>4</sup> *An Authentic Copy of the Duke of Richmond's Plan for a Parliamentary Reform*, London, 1783.

<sup>5</sup> Wyvill had given wide publicity to what he described as Pitt's commitment to reform 'as a man and as a minister'. As Master General of the Ordnance, Richmond was a minister in Pitt's administration.

<sup>6</sup> Duke of Richmond.

<sup>7</sup> The *Morning Chronicle*, 19 Apr. 1785 had a fuller version: 'Mr. Burke likewise compared Mr. Pitt's decrying the plans of Reform of the Duke of Richmond and Lord Effingham, to a fellow's forcing into a house and telling the landlord to let him take what he pleased, and saying, "I'll keep off the Richmond and Effingham mobs."' Thomas Howard (1747–91), 3rd Earl of Effingham, provided a plan for the Ulster Volunteers based on the principle that 'every man must either vote in person, or by his representative, in making those laws which are to affect his life, liberty and property' (*Letters to the Volunteers of Ireland*, pp. 61–4). He had held a Household office in the second Rockingham administration.

The debate lasted until nearly four o'clock in the morning when Pitt's Bill was rejected by a substantial majority—248 votes to 174. With this defeat Pitt's career as a parliamentary reformer came to an end.

## Speech on French Commercial Treaty 21 February 1787

Source: *World*, 22 February 1787.

The *World* carried what was marginally the largest of three extensive newspaper reports of this speech, the others appearing in the *Gazetteer* and the *Public Advertiser* on 22 February 1787. A later intervention by Burke is mentioned in the *Gazetteer*, 22 February. The *World's* version was reproduced with minor alterations and substitutions in *Parl. Reg.*, xxi. 293–6 and in *Parl. Hist.*, xxvi. 487–90. Three pages of material in Burke's hand relating to this speech survive at Northampton, A. xxvii. 50.

At the prompting of the French, Britain entered into negotiations for an Anglo-French treaty of commerce, lowering the high duties and easing the prohibitions that had severely restricted trade between the two countries. On the British side, negotiations were conducted in Paris by William Eden. As a close associate of Lord North, Eden had been an ally of Burke's since the forming of the Coalition, but had now given his allegiance to Pitt. The treaty was signed on 26 September 1786 and was referred to Parliament on 26 January 1787 for ratification. A campaign against the treaty was an unrewarding task for the opposition. It was hard to deny that Britain seemed to have made considerable gains at the expense of France and most of the British interests likely to be affected by the treaty welcomed it. Initially the opposition tried to delay any decision on the treaty. On 29 January they raised questions about its implications for Britain's long-standing alliance with Portugal, since the treaty appeared to be a contravention of Britain's obligations to Portugal under the Methuen Treaty of 1703. Burke then insisted that there must be more information about the outcome of negotiations currently under way for a new commercial treaty with Portugal before the House could decide on the French treaty.<sup>1</sup> On 2 February Burke spoke again in favour of postponing consideration of the French treaty until there had been a Call of the House to ensure a full attendance.<sup>2</sup> When Pitt on 5 February moved that a date be set for the House to go into committee on the treaty, the opposition again urged delay. Burke spoke at length.<sup>3</sup> He stressed, as most opposition speakers were to do, that the treaty could not 'be regarded as a simple commercial treaty' but that 'it bore strongly upon the political interests of the country'. Britain was about to abandon its 'ancient connections' with Portugal 'to join ourselves with that Power, against which nature designed us as a balance'. He concluded with dismissing Pitt as 'an aspiring young man, always ill at ease except when in possession of power and profit', and his ministry as 'the odds and ends, the scraps stolen from a great merchant's warehouse to furnish out a peddler's box'.<sup>4</sup> What follows is Burke's speech on the final debate on the treaty. It was widely recognized to have been a notable effort. Burke's theme was that in grasping at short-term economic advantage, Britain was exposing itself to long-term strategic weakness and sacrificing its honour. The speech included what was

<sup>1</sup> *Parl. Reg.*, xxi. 27–8, 29–30.

<sup>2</sup> *Ibid.* xxi. 47.

<sup>3</sup> *Ibid.* xxi. 67–8, 69–70, 71–2.

<sup>4</sup> *Ibid.* xxi. 67–8.



regarded as a remarkable passage on the dominant position of British capital in world trade, even if it was easy to interpret this as an argument in favour of the treaty.

Mr. *BURKE* began a very brilliant speech with a short answer to the arguments of the two first speakers. He contended that the opinions of the manufacturers of two counties, however extensive and commercial, should not be taken for the sense of the people of England.<sup>1</sup> Besides everyone must be aware of the disposition of traders, to snatch, at all events, at any immediate advantage. With regard to the conduct of this country towards Ireland, he thought that every means should be used to draw together the bonds of union, and not to separate them by illiberal jealousy and revolting expressions.<sup>2</sup> There was indeed one sovereign to the two kingdoms; and they spoke the same language; but that was not sufficient to keep them together without mutual confidence, and a reciprocal exchange of good offices.—He had heard nothing for some time past, but panegyrics on the French—while our tongues were let loose in the foulest asperity against other states. Ireland was an infatuated island—Portugal an unnatural, a base, a worthless, an ungrateful nation.<sup>3</sup> We cling to France, in proportion as we separate ourselves from all other States. But what are our panegyrics of the French? Do we commend them for their gallantry, their valour, their ingenuity, their power, their opulence, their policy, their wit? No. We praise them for their sincerity, their forbearance, their moderation, their truth, their kindness and good will to this country! And we have taken a twelve years lease of all these good qualities.<sup>4</sup> France, it has been observed, is a wise nation—and it is to be hoped, we are also a wise nation. But if this be the case, we have been a very unwise, a very foolish nation, for near a century; to refuse constantly what, in our present fit of wisdom, we give up

<sup>1</sup> John Blackburne (1754–1833), M.P. for Lancashire, had opened the debate by moving an address approving the treaty. He had read a resolution of Manchester manufacturers welcoming the treaty. The address had been seconded by George Berkeley (1753–1818), M.P. for Gloucestershire, who had spoken of the approval of the treaty by the woollen manufacturers of his county.

<sup>2</sup> Burke is following Sheridan, who had complained of the readiness of ministerial supporters to 'represent the inhabitants of the sister kingdom as an infatuated and brutal people'. He was understood to be reacting to comments by William Grenville on 19 February that a 'faction' in the Irish Parliament had induced 'that misled and infatuated people' to reject the benefits offered to them in Pitt's Irish Propositions of 1785 and that therefore nothing more was due from Britain to Ireland (*Parl. Reg.*, xxi. 259–60).

<sup>3</sup> In earlier debates there had been allegations that Portugal had discriminated against British merchants contrary to the Methuen Treaty. In seconding the address Berkeley had said that Portugal was understood to be offering France the monopoly of Brazil's cotton exports and thus 'it is not Great Britain that is acting ungraciously to Portugal', but 'Portugal is acting insidiously towards Great Britain'.

<sup>4</sup> The treaty was initially to last for twelve years.

to France.<sup>1</sup> Not that he meant to say, we give up our manufactures to the French—on that head, he was ready to declare, that he had no jealousy—nor did he conceive that France could, for a considerable time, at least, rival our Manufactures.—On the contrary, he was assured, that in various branches there were large orders from France, while, comparatively speaking, there were few, excepting in the article of wines from Great Britain. Our capital gave us a superiority that enabled us to set all the efforts of France, to rival our manufactures, at defiance. The powers of capital were irresistible in trade. It domineered, it ruled, it even tyrannized in the market. It enticed the strong, and controuled the weak. This capital, he asserted, was supported only by the universal partnership in which our funds, and the nature of our establishments, kept the immense property of this country.—It was by keeping it dammed up from France, that this general partnership, within the nation subsisted.<sup>2</sup> The moment we admit France, she will immediately begin to insinuate herself into the partnership, and, in the end, come in for a share of the capital.—By means

<sup>1</sup> Commercial provisions had been included in the Utrecht settlement of 1713 that would have liberalized commercial relations between England and France on the lines of the 1786 treaty, but the House of Commons had rejected them. In a MS. note, Burke wrote: 'If at the Treaty of Utrecht we had then made the proposed Treaty of Commerce I think it would most clearly have been ruinous to us. We were not then in that *adult* State with regard to our Trade, that would justifie us in laying open the market of this Country to France. It would have injured perhaps destroyed our infant improvements. But as they have grown up within the fences and inclosures of a domestick monopoly, we are perhaps in a condition to suffer those fences to be thrown open without any material present risque, at the same time that we enlarge ourselves very considerably by the opening made by others' (MS. at Northampton, A. xxvii. 50).

<sup>2</sup> Contemporaries were very struck by this passage on the power of capital. The *Morning Chronicle* (22 Feb. 1787) considered that 'Mr. Burke's greatest point, for he had many great ones, was, his observation that in this country the Landed Interest, the Monied Interest, and the Commercial Interest formed one great partnership, making up through the medium of discount and interest one great national capital, upon which the trade of the country was carried on, and which from its great and avowed superiority, domineered, over-awed and even *tyrannized* over all the markets of the world'. According to the *Public Advertiser*, 22 Feb. 1787, he had said that: 'Our capital is our security, it domineers, it equals the strong, subdues the weak and eats up every competition: all England forms one general partnership—the banking interest, the discounting and insuring form a general partnership of all the interests of England. All the revenues of the country go into trading channels, by going to the Bank; and the quick exports and imports all set us in a far more favourable situation for carrying on our manufactures than France, who enjoys none of these benefits in any considerable degree.' 'We had already an advantage of commerce,' the *Gazetteer*, 22 Feb. 1787 recorded him as saying, 'from our extent of capital that must command every market in which we had the least interest or necessity in sending our manufactures. A partnership was formed between the merchant, banker, and manufacturer, that made our commercial system one consolidated interest. Discount and insurance were the means of this extension and consolidation of our capital. Discount gave facility and insurance gave security to enterprize. Within his memory, banking had increased to five times its former extent.—These were the great resources which had enriched and rendered this country the rival of every other power for its commercial consequence and national glory.'

of the correspondence that might be established between the two countries, an alliance in commercial undertakings would soon blend the property of the two kingdoms.—In this, he said, we had reason to admire the depth of the designs of France. She was ready to put up with a temporary loss in trade, by the superiority of our manufactures, for a permanent, future advantage in commerce. Holland was a proof that commerce is more than a compensation for manufacture; and Germany was a proof, that, with manufactures, a state may be plunged into the abyss of poverty. For no commerce, said Mr. Burke, in a pleasant allusion to one of Shakespeare's plays, had subsisted there since a vessel was wrecked on the *coast of Bohemia*!<sup>1</sup> The designs then of France were to allow us some present gain in the sale of our manufactures, for some permanent<sup>2</sup> advantages that she promised to herself in commerce.<sup>3</sup> Through her rivers and canals she intended to pour the commodities of England into other countries. She had already, by her politics, contrived to wrest a share of our Levant trade from us;<sup>4</sup> and it was a part of her present design to divert the remainder from its former channel; and by supplying all the ports in the Mediterranean sea through the Seine, the Garonne, the canal of Languedoc,<sup>5</sup> and the Rhone, to engross the carrying trade to the Levant, and to ruin our factory at Leghorn,<sup>6</sup> and our other establishments in those seas. Her conduct was similar towards America; which proved, that she proceeds systematically, and makes her progress in a regular series. What could she expect from America in return for the bounties and the free ports so liberally granted her? America could make no return at present; for she was totally unable to pay the debts she had already contracted with the French government, and the French merchants. It is evident, that it is for benefits which she has in

<sup>1</sup> 'Our ship hath touched upon the desarts of Bohemia' (*Winter's Tale*, III. iii. 1–2).

<sup>2</sup> 'perment' in original.

<sup>3</sup> Burke differed from Adam Smith (1723–90) in preferring overseas trade to manufactures as a source of national wealth. For Smith, the investment of capital in manufactures was 'naturally preferred to foreign commerce' (*Wealth of Nations*, bk. III, ch. i.). Burke's preference seems ultimately to have been based on strategic considerations: overseas commerce was the source of naval power. The French recognized this and wisely, in his view, they were prepared to sacrifice manufacturing for commercial gains.

<sup>4</sup> France both exercised a powerful diplomatic influence at the Ottoman court until late in the eighteenth century and enjoyed an economic ascendancy in the markets of the Levant through its cloth exports.

<sup>5</sup> The canal, also known as the Canal du Midi, opened in 1681, and linked the Atlantic and the Mediterranean.

<sup>6</sup> The free port of Leghorn in Tuscany was a major centre for British trade throughout the Mediterranean.

prospect.<sup>1</sup> What a reverse in the conduct of our government! We act wholly without system, and abandon Portugal for France, while it is in our power to form arrangements with both, by no means incompatible with each other. France, on the contrary, points all one way—to the increase of her navigation and commerce.—The advantages she is to gain are political, naval and commercial; ours will consist only in the sale of manufactures. But we have been told repeatedly of the friendly disposition of France. She opens her arms, it is said, to receive us into her bosom. This might be said in more than one sense. She opens two arms to embrace you in the channel! It was not without astonishment, Mr. Burke said, that he considered the immense operations now carrying on at Cherbourg.<sup>2</sup> They exceeded the pyramids of Egypt, as much as the wisdom and policy of their designs exceeds the idle vanity of the Sovereign, who caused those piles to be constructed. Their efforts were wonderful; they grappled with nature, removed mountains, and overcame the ocean, to be enabled to look into Portsmouth.—Yet we sat down in stupid insensibility of the danger with which we were menaced.<sup>3</sup> We were deaf to the notice that was given us of our peril. It was in vain that the alarm was sounded:

Aut hoc inclusi ligno occultantur Achivi,  
Aut hæc in nostros fabricata est machina muros,  
Inspectura domos, venturaq desuper urbi;  
Aut aliquis latet error—<sup>4</sup>

While the mill-stone is hanging over our heads, we talk of an union with France. But that she has little sincerity in such an union, may be inferred from the eagerness with which she increases her alliances. Yet

<sup>1</sup> Charles Grey (1764–1845), later (1807) 2nd Earl Grey, soon to be a recruit to the opposition, in his maiden speech, to which Burke, according to other newspaper reports, paid fulsome tribute, had warned of the danger of French economic domination of America. He had cited a letter, written just after the signing of the Anglo-French Treaty, from the French minister, Charles-Alexandre de Calonne (1734–1802), to the American ambassador at Paris, Thomas Jefferson (1743–1826), outlining various concessions. Much attention was paid to this letter in the press. In fact, with the ending of the war France had lost its political influence over America, while the Americans regarded French commercial concessions to them as inadequate. Limited trade with France did little to diminish American economic dependence on Britain. For the French text of the letter and notes explaining its context, see J. P. Boyd *et al.* eds., *The Papers of Thomas Jefferson* (Princeton, 1950–), x. 474–8.

<sup>2</sup> A project for fortifying the port of Cherbourg on a large scale was launched in 1783 but progress was hampered by shortage of funds and it was not completed before the French Revolution.

<sup>3</sup> Projects for fortifying both Portsmouth and Plymouth had been rejected by Parliament in February 1786.

<sup>4</sup> Either enclosed within this frame lurk Achæans, or this has been built as an engine of war against our walls, to spy into our homes and come down upon the city from above; or some trickery lurks therein; Virgil, *Aeneid*, ii. 45–8.



the temporary advantages of a little trade blinds the nation against its real interest, and renders it a prey to her delusions. They are treated like a woman who has been debauched, and is told, have you not fine cloaths, do you not enjoy all the luxuries of life, are you not caressed and courted, do you not ride in an elegant carriage, and live in splendid lodgings? How then are you ruined? The answer should be, she is ruined, because she has lost her reputation. It is the same with a nation. If it has ever lost its character, all is gone, and nothing remains but gaudy trappings to conceal its misery.—And it is of little consequence, whether this consists of fine cambrics, of rich scarlet or good black cloth, of silks or sattins. The same principle holds good with nations, as with individuals. When a man has once sacrificed his honor, in what respect is he better than a beast? What is he good for, but to fatten?—To drink rich wines, and wallow in luxury and riot?—Mr. Burke afterwards went into a more serious consideration of the designs of France, in endeavouring to make a treaty with Portugal to secure to herself the monopoly of the Brazil Cottons.<sup>1</sup> This he affirmed, was an indisputable proof of the insincerity of the French Court. Our manufacturers might exult on the temporary advantage they would derive from the avidity of the French for English commodities; but, if at the expiration of twelve years, France should be found a large commercial, trading, and naval power, such temporary advantages to trade, would be purchased at too dear a price, at the price of lasting ruin to the country!<sup>2</sup>

William Grenville answered Burke for the government. 'He was happy, he said, to hear the Right Honourable Gentleman so eloquently, and with such unanswerable and irresistible force, describe the capital of this country to be such as could command a preference in our markets for our produce and manufactures. Had he endeavoured to have displayed the advantages of the Treaty, it would have been impossible for him to have done it with so much truth, justice, and eloquence as the Right Honourable Gentleman had.' Later 'Mr. *Burke* rose to explain that part of his speech which Mr. Grenville insisted was defective, and

<sup>1</sup> Brazil was a very important source of raw cotton for Britain's growing cotton manufacturing. Rumours about such negotiations seem to have originated with an intervention by Lord Stormont in a debate in the House of Lords on 16 February 1787. If such negotiations were taking place, they produced no outcome.

<sup>2</sup> 'I endeavoured to find out what rational motives might influence the French in their forwardness and activity for a Treaty in all appearances so completely to their disadvantage. It occurred that France never did consider commerce so much as principal in her politicks as this and some other Countries. Her great Object is Power. Her Great impediment is England. The great Arm of England is her Navy. She knows she cannot raise a navy on her present fund of Commerce. The Objects are too profound. If therefore to raise a Navy superior to ours has been her long known object, I can then account for this Treaty on some rational principles. For whatever France suffers in this Treaty, and she does apparently suffer some disadvantage, it is in the sale of manufactures. Whatever she gains, she gains in her System of Commerce and Navigation' (MS. at Northampton, A. xxvii. 50).

fully justified the opinions he had advanced.<sup>1</sup> At the end of a debate which went on into the early hours of the morning an opposition amendment for an adjournment to allow more time to consider the treaty was defeated by 116 to 236. The address welcoming the treaty was then accepted unanimously.

## Speech on Motion for a Bill against Forestalling 16 May 1787

Source: *Morning Chronicle*, 17 May 1787.

The *Morning Chronicle* printed the fullest account of a thinly reported debate. Its report was reprinted in *Parl. Reg.*, xxii. 367–8 and in *Parl. Hist.*, xxvi. 1169–70.

The mechanisms for supplying the rapidly growing population of eighteenth-century London with food seem to have been relatively efficient. Before the 1790s, by comparison with contemporary Paris, disorder caused by price increases was uncommon. Nevertheless, shifts in food prices in the metropolis were viewed with concern. Such shifts were commonly attributed to the machinations of middlemen, who were thought to drive up prices by practices for which the commonest names were ‘forestalling’, ‘regrating’, or ‘engrossing’. Such practices had been made offences by statutes over a long period. These statutes had been repealed by an act of 1772,<sup>2</sup> in whose passage Burke prided himself that he had played a prominent role. ‘I was myself the person who moved the repeal of the absurd code of Statutes, affecting the most useful of all trades, under the invidious Names of forstalling and regrating.’<sup>3</sup> ‘A greater and more ruinous mistake cannot be fallen into,’ he later wrote, ‘than that the trades of agriculture and grazing can be conducted upon any other than the common principles of commerce’: that is, that those involved in it must be free to ‘look to all possible profit’.<sup>4</sup> On 4 May 1787, however, the Lord Mayor, Aldermen, and Common Council of the City of London, apparently prompted by the rising price of meat, petitioned the House for leave to bring in a bill for ‘reviving to a proper Extent to the Laws against Forestalling and Regrating’, which had been repealed in 1772 contrary to ‘the Wisdom and Experience of our Ancestors’.<sup>5</sup> Alderman Paul Le Mesurier<sup>6</sup> moved that the petition be referred to a committee of the House.

Mr. *Burke* rose, and in a speech replete with pleasantries, very good humouredly laughed at the Aldermen and Common Council of London for being so extremely anxious to be well fed. He said, he presumed the application to revive the Laws against forestallers and regraters came from

<sup>1</sup> *Gazetteer*, 22 Feb. 1787.

<sup>2</sup> 12 Geo. III, c. 71.

<sup>3</sup> *Corr.* ix. 362. The only apparently surviving record of Burke’s having spoken on the bill is a brief mention of what he said on 13 March 1772 in British Library, Egerton MS. 236, f. 180. The forthright preamble to the act with its claim that ‘it hath been found by experience’ that ‘Restraints’ on dealing in provisions ‘by preventing a free Trade . . . have a Tendency to discourage their Growth and enhance their Price’ strongly suggests Burke’s hand in it.

<sup>4</sup> *Thoughts and Details on Scarcity*; vol. ix, p. 130.

<sup>5</sup> Petition in *Commons Journals*, xlii. 720; report of Common Council meeting on 3 May in *Morning Chronicle*, 4 May 1787.

<sup>6</sup> (1755–1805).

the Aldermen concerned in it after dinner, for their Petition had all the marks of plenitude and fullness about it. It was, he observed, an old saying "that Heaven sent provisions, but the Devil sent cooks." So in this case, he conceived, that having fed heartily, the Aldermen wanted to quarrel with the cooks, but he advised them to think better of the matter. He begged them at all events not to be uneasy, for if meat had been a little dear, when the price of feeding cattle was also dear, it would be considerably cheaper day after day; that there was already plenty of nice lamb at market, and in consequence of the kindness of Providence lately showered down upon the earth, the green peas were coming in, and every other luxury, both of meat and vegetables. As the Aldermen undoubtedly wished to ensure the continuance of having their napkins tucked under their chins, and as he was also desirous they should continue to make that characteristic appearance, he should oppose the Motion for reviving the laws against Reqrators and Forestallers. While they had plenty of provisions, he advised them not to want to go to loggerheads with the providers, but to let them fatten as well as themselves. In the instance before the House, they certainly acted under a mistake, but the errors even of the City of London were respectable; nay their very ignorance ought not to be despised; and indeed they were ignorant only as to the manner of their being fed, as every body well knew. As he had been the humble instrument of moving the repeal of the laws against Forestallers and Reqrators, he wished to stand up and prevent the dry bones of those gibbeted laws from being again clothed with flesh, and called from their merited fate into existence; but as he wished to treat the City of London with good humour, as they were willing to treat every one who visited them with good cheer, he should hope that so harsh a measure as rejection would not be adopted, but that he might be permitted to move to put off the consideration of the Motion till the first of August by which time the Aldermen would have had so many good dinners, that they would have been convinced in their own way of the impropriety of their purpose, as well as it being altogether unnecessary. Mr. Burke talked of the commerce of provisions, opposing it to commerce properly so called, and asked the worthy Alderman who had introduced the business,<sup>1</sup> whether he was not aware that a free commerce was the species of commerce most likely to flourish and to prosper? Let him therefore ask himself whether a free commerce in provisions was not likely to make a plentiful and a cheap market, and as Forestallers and Reqrators were in that kind of commerce,

<sup>1</sup> Le Mesurier.

what the factor, the warehouseman, and the merchant were in the other, so let them alone, and then as great a variety and as large a quantity of provisions would be brought to London (of itself an absolute desert in that particular respect) as of muslins, silks, and spices and teas from the East; of lumber, and staves and rice from the West; of furs, and timber, and hemp, and pitch and tar, from the North; of slaves, and gold dust, and drugs, and colours from the South. Mr. Burke concluded with saying, that if the worthy Alderman would be so good as to withdraw his Motion, he should move that the Motion be taken into consideration on the 1st August.

Le Mesurier replied that he would not press his motion against the sense of the House. He admitted that the Aldermen were 'fair game', but 'if they fed upon the good things of this life, it was their duty to take care of the million connected with them, and to see that they had provisions as cheap as their circumstances made necessary'. His motion that the petition be referred to a committee of the House was rejected.

## Speech on Anniversary of Fox's Election 10 October 1787

Source: *Gazetteer*, 11 October 1787

The account in the *Gazetteer*, 11 October 1787, repeated in *Morning Chronicle*, 12 October, is fuller than the only other known newspaper account, that in the *World*, 11 October.

The anniversary of Fox's first election as member for Westminster on 10 October 1780 was the occasion for Whig festivities. In 1787 an estimated 600 people sat down at the Shakespeare Tavern to a dinner of 'turtle, venison and game'. The numerous toasts 'were, as usual, drunk with that exhilaration which popular feelings inspire, and with an enthusiasm and warmth felt only by men animated by the love of liberty, and whose bosoms glow with honest attachments to its patriotic supporters'. After several other toasts had been drunk, Fox himself, referring to the Hastings impeachment, proposed: 'May the Power of true Eloquence, and the Genius of a *Burke* and a *Sheridan* be ever exercised in the cause of Humanity.'<sup>1</sup> Burke responded with a remarkable statement of his aspirations for the future of the relationship between Britain and India.

Mr. Burke in a short and pointed Address thanked them for the honour they had done him, in coupling his name with that of so able a man as Mr. Sheridan.—He should always be proud to be coupled with him in any object of public pursuit, and where justice and humanity demanded an advocate,<sup>2</sup> they could never make a fitter election than of him. Nothing

<sup>1</sup> *World*, 11 Oct. 1787.

<sup>2</sup> Sheridan had delivered his greatly admired speech on the Begams of Oudh charge against Hastings on 7 February 1787.



could be more truly deserving the attention of those who loved freedom than the pursuit of justice and humanity.—Where these were wanting, freedom might be no more than a popular mask to cover ambition and the baser passions. To secure to India justice, and to extend to her the humanity of Britain, would be the means of making her a great and useful ally, and the time might come, when in the hour of distress or danger she might repay the obligation.<sup>1</sup>

## Speech on American Loyalists 6 June 1788

Source: *Morning Chronicle*, 7 June 1788

The version of the debate in the *Morning Chronicle*, 7 June 1788 was the longest of those in the newspapers. It was reproduced in *Parl. Reg.*, xxiv. 55 and *Parl. Hist.*, xxvii. 614–15.

In the course of the American War a large number of people who were unwilling to commit themselves to the American side had been displaced. Some had fled to Britain or to British colonies; most had taken refuge in places still held by the British army, from which they were forced to move again at the end of the war. Schemes for compensating them evolved. Most of them were to be settled on free grants of land in British colonies, but Parliament also voted for cash payments to be made. Commissioners were appointed in 1783 to assess claims. A bill was introduced in 1788 to give effect to their recommendations. At the committee stage on 6 June 1788 Pitt announced the terms of the final settlement. £500,000 had already been paid and he asked the House to vote just under £1,300,000 in the manner that he explained. More payments would follow later. Over £3 million was eventually to be paid.

British opponents of the war had not been generally sympathetic to those Americans who had sided against the Revolution, often calling them ‘refugees’ rather than ‘loyalists’ and blaming them for giving ministers delusive hopes about the support that the British could expect in crushing the rebellion. On 22 February 1782 Burke had said that ‘It was our friends in America that had done us all the mischief. Every calamity of the war had arisen from our friends: and if such were to be our friends, he wished to God we might hear of them no more. . . . Had they assisted us in any one shape or way? No: they had drawn us in the north to Saratoga; and in the south to York-town.’<sup>2</sup> He had, however, bitterly denounced what he saw as the betrayal of the loyalists in the Yorktown capitulation<sup>3</sup> and had said that the settlement obtained for them at the peace ‘plunged the dagger into the hearts of the Loyalists, and manifested our own impotency, ingratitude, and disgrace’.<sup>4</sup> By 1788, like so many others,<sup>5</sup> he had come to see the compensating of the loyalists as ‘a new and noble instance of national bounty and generosity’.

<sup>1</sup> According to the *World*, 11 Oct. 1787, Burke asserted ‘the universality of the Genius of Freedom, which in the mind of a Briton, was as much the right of an Indian subject as any native of the realm’.

<sup>2</sup> *Parl. Reg.*, vi. 270.

<sup>3</sup> See above, pp. 101–2.

<sup>4</sup> See above, p. 160.

<sup>5</sup> See M. Jasanoff, *Liberty's Exiles: The Loss of America and the Remaking of the British Empire*, London, 2011.

Mr. *Burke* said, he was sorry to hear that an Honourable Gentleman of so enlightened a mind, and of the purity of whose intentions on all occasions, no man could make the smallest question, had any doubts or objections to the present Motion.<sup>1</sup> He never gave a vote with more satisfaction, Mr. *Burke* said, than he should give his vote for the present Motion, because, though the Loyalists had no claims upon the House founded in strict right, (which must necessarily be arbitrary, and could admit of no modification whatever, but must be fully satisfied to its utmost extent, whatever that might be,) yet the House was bound in honour and justice to take their claims into consideration. Mr. *Burke* assured the Committee, that such a mode of compensating the claims of the Loyalists would do the country the highest credit. He said it was a new and noble instance of national bounty and generosity. At the Restoration he remembered the case had been widely different. There the poor Bishops, who had been so long deprived of their Sees,<sup>2</sup> were deemed well off to obtain their Sees again, and the sum of eighty thousand pounds, was all that the House had voted for the King to distribute among the Loyalists, though it was a well known fact, that the Marquis of Worcester alone had lost an estate of three hundred thousand pounds.<sup>3</sup> Mr. *Burke* descanted on these historical facts, and said, it was, he owned, a solid satisfaction to his mind, that he had uniformly voted against every question that led to the consequences that laid the Committee under the necessity of coming to the vote then proposed; he should, nevertheless, cheerfully vote any sum, however large, upon the account stated, because, though the American war had been carried by the voice of a majority, all were involved in the promises of that majority, and the Loyalists had certainly heard from the first authority in the state, that if they left their property, and joined the King's army, or came to England, they should receive protection and support. That pledge was sacred, and ought to be faithfully fulfilled. With regard to the mode proposed of making the compensation claimed, Mr. *Burke* said, he thought it both liberal and prudent, neither too large on the one hand, nor too small on the other; and he gave the Right Honourable Gentleman credit for having made the divisions, and distinguished the deductions to be taken from the claims of the different

<sup>1</sup> William Hussey (1725–1813), a much-respected independent, had professed himself to be uncertain as to whether 'the claims of the Loyalists were founded in right or not'.

<sup>2</sup> Episcopal lands had been confiscated and sold in 1646. With the restoration of the monarchy in 1660, bishops were to be reinstated in their lands. A commission appointed by the Crown supervised settlements between them and the purchasers.

<sup>3</sup> Edward Somerset (1601–67), 2nd Marquess of Worcester, a prominent supporter of the Crown in the Civil War, recovered most of his estates at the Restoration.

Classes of Loyalists.<sup>1</sup> It did this country honour, in as much as it shewed our attention to the different extent and force of the claims of the several claimants; and it would not have done them honour, had they expected to have received the full amount of those claims, because it would have proved that they had no real principle of loyalty to inspire their conduct, but that they had joined the side they joined, under a certain expectation of running no risque whatever, but of receiving back the whole of their property.<sup>2</sup> After a few pithy observations on the good effect of such a liberal line of conduct, in which he founded hopes that if any thing would, that one day or other might effect a renewal of ancient amity and connection between America and Great Britain, and after rejoicing that America had not had the honour of compensating the Loyalists for their losses, which would, he said, have been a wise way of setting up the world for themselves, Mr. Burke concluded, with giving his hearty assent to the motion.

The bill for compensating the loyalists passed without opposition and was enacted as 28 Geo. III, c. 40.

## Speech on Regency 22 December 1788

Source: *Gazetteer*, 23 December 1788.

Burke opened the debate and so his speech was well covered by the newspapers. On 23 December the *Gazetteer*, *World*, *Times*, *Morning Chronicle*, and *Morning Herald* all carried substantial reports of a speech that lasted for at least two hours. A long and dense speech, containing, as the *World* put it, 'a great variety of illustration, of episode and other incidental matter', clearly taxed the reporters, so that, although the outline of the speech is roughly the same in all the accounts, particular passages vary from account to account. The *Gazetteer*'s version, which seems to be the fullest, has been selected, as it was with minor deletions and editorial comments by *Parl. Reg.*, xxv. 125–31 and *Parl. Hist.*, xxvii. 819–25. Where they add significantly to the *Gazetteer*'s account or help to elucidate it, excerpts from other newspaper versions are given in footnotes. Very extensive MS. notes and drafts on the Regency crisis survive at Sheffield. Bk. 15. 6, 7, 8, 24, 25, 27, 35, and 36 clearly seem to be related to this speech. Extracts from them are also used in footnotes.

From early in November 1788 George III became incapacitated from exercising his duties by what contemporaries took to be insanity. Were this to continue for any length of time, some arrangements for a Regency were inevitable. The obvious solution was for his eldest son, George Augustus Frederick, Prince of Wales, the future King George IV, to assume his father's responsibilities. If this happened, it was likely to bring about a major political

<sup>1</sup> Pitt had explained the various categories into which the claims were divided for compensation.

<sup>2</sup> Even if the Commissioners approved their claims, the claimants did not get the full amount. Deductions were to be made from all claims over £10,000.

upheaval. The Prince was on very bad terms with his father and had become the patron of the opposition. Were he to be an effective Regent, it was assumed that he would replace the Pitt ministry with one dominated by Fox. Pitt and his supporters were determined to prevent this. The opposition was in poor shape to seize their great opportunity. Fox was out of the country when the crisis broke and suffered bouts of illness when he returned. Relatively junior members of the Foxite connection, Sheridan and Grey, tried to take the initiative. Burke, already feeling himself to be isolated within the party, complained that his ideas were rebuffed at the outset and that thereafter he was 'little consulted'.<sup>1</sup> He was, however, almost hyperactive in his response, drafting advice and documents for the Prince of Wales,<sup>2</sup> immersing himself in constitutional law and the study of insanity, speaking very frequently in the House, often at great length and with an intemperate vehemence that exposed him to much mockery and abuse. To some contemporaries he seemed to have lost all sense of proportion and even to be deranged himself. The Regency crisis is often seen as the lowest point in the decline of his public standing since 1782. Yet the case has reasonably been made that there was 'an inner logic' to his thought and an 'essential consistency' to his conduct that his colleagues lacked.<sup>3</sup> He held unwaveringly to the principle that the Prince of Wales had an uncontested right to assume the Regency. 'Great-Britain is governed by an hereditary Monarchy', so the Prince naturally succeeded to the Regency with all the powers of the Crown. The two Houses of Parliament on their own had no authority to determine who should be Regent. That would amount to altering the succession at their will. Were the Regent to have 'no other power than the House of Commons shall think fit to allow him', then 'the Constitution shall in fact be changed, be overturned and annihilated'. Burke denounced what he saw as the usurpations of Pitt with all the fervour that he was soon to denounce the doctrines of Richard Price and others who held that the people of England had a right to 'cashier' their Kings for 'misconduct'.<sup>4</sup>

Pitt saw no alternative to the Prince's becoming Regent, although he insisted that he could only assume the Regency by the authority of Parliament. To allow as much time as possible for the recovery of the King, which by early December according to medical advice appeared probable, Pitt opposed any immediate appointment and he intended to limit the Regent's powers when he was appointed. When the new parliamentary session began, Pitt proposed that committees be set up to examine the doctors who were attending the King as to the chances of his recovery and to consider the constitutional precedents for a Regency. On 16 December the House of Commons debated three resolutions moved by Pitt: that the King was incapable of performing his duties; that therefore it was 'the right and duty' of the two Houses of Parliament to provide for the exercise of royal authority; and that the House should 'determine on the means' by which the royal assent could be given to a bill establishing the Regency. A resolution to report progress was carried against the opposition by 268 votes to 204.

On 22 December an amendment to the third resolution was to be debated. Burke spoke at the beginning of the debate in support of the amendment, which was that, instead of considering how the royal assent was to be signified during the King's incapacity, the House should ask the Prince of Wales immediately to assume the role of the Crown. This was, in

<sup>1</sup> *Corr.* v. 438.

<sup>2</sup> See A. Aspinall, ed., *The Correspondence of George, Prince of Wales 1770-1812*, 8 vols., London, 1963-71, i. 395, 414-15, 430-5, 462-3, 474-83 and numerous drafts in MS. at Sheffield, Bk. 15. B. E. Gronbeck has a helpful analysis of this material in 'Edmund Burke and the Regency Crisis of 1788-9', in W. R. Fisher, ed., *Rhetoric: A Tradition in Transition*, East Lansing, Mich., 1974, pp. 142-77. See listing in Appendix A, below, pp. 647-8.

<sup>3</sup> J. W. Derry, *The Regency Crisis and the Whigs, 1788-9*, Cambridge, 1963, p. 172.

<sup>4</sup> See below, p. 282.



Burke's view, what should have happened from the beginning of the crisis. The proposal being put forward by ministers that the royal assent should be conveyed by the great seal at the behest of a commission was preposterous. He saw this as part of a design to emasculate the monarchy and to enable Pitt and his allies to secure their perpetual hold on power. On 10 December he had called Pitt 'one of the Prince's competitors'.<sup>1</sup>

*Mr. Burke* immediately arose, and said it was his glory, and his only glory, as a Member of Parliament, to deliver his sentiments, not with a view to please the people with flattery at their own expence, by telling them they possessed powers to which they had by the Constitution no right, but on the contrary, to speak against the wishes of the people, whenever they attempted to ruin themselves; he spoke under those impressions without fear, and without seeking popularity; whether his sentiments would be considered as savouring of Whig or Tory principles, he was very indifferent; and what the opinions of others were, as to the degree of desire he had for employment, he gave himself no uneasiness for discovery. He indeed knew as little of the inside of Carlton-house as he did of Buckingham-house;<sup>2</sup> he only hoped he should be understood as he really meant, to deliver his sentiments as a plain citizen.<sup>3</sup>

Our situation at present was really a state of inactivity, and such as was not to be relieved or remedied by the ordinary course of law: there was a defect which must be supplied, but it was to be supplied by the genuine spirit of our Constitution; to travel out of the Constitution he hoped no member of that House would be rash, or hardy enough to attempt: there was a tribunal of honour, and a tribunal of reputation, to which every man possessing the smallest sense of the dignity of virtue, would always consider himself accountable.

The doctrine of necessity was to be considered in union with its own peculiarities, and it was always to be considered as no plea, when its labours

<sup>1</sup> *Parl. Reg.*, xxv. 30.

<sup>2</sup> Carlton House was the London Residence of the Prince of Wales. Buckingham House had been purchased by George III for the Queen and had supplanted St James's Palace as the preferred home of the royal family in the capital.

<sup>3</sup> In a MS. note Burke wrote that he knew 'no more of the Inside of Carlton House than I do of Buckingham House. If ever I have been called to the service of my Prince which has been rarely (that is to say for about twelve months in twenty-three years) it has been in subordinate office, upon an Idea that by a Laborious disposition supplying a < . . . > want of Talents, I might even with those little be of some use. I received it from the King or may receive it from his successor with gratitude, proper respect and submission. Never to my knowledge made a speech to please the Court never to my best recollection made a speech to captivate the people—But went as you all well know for these three and twenty years to speak the plain sentiments of a well intentiond member of the [House]. No flaming Whigg no High flying Tory. My sentiments have been mixed and tempered suitable to the mixed principles of a mixed constitution which I always found good enough for men who meant to act right in it' (MS. at Sheffield, Bk. 15. 35).

are for its own destruction.<sup>1</sup> We had been told upon this solemn subject, that necessity compelled us to take certain steps, and which, when sifted, appeared to be mere words expressive of the opinion of individuals, and which if sanctioned and approved, would operate as an utter subversion of our liberties, our property, and character as a nation. Thus the mere *ignis fatuus*<sup>2</sup> of private judgement was to supersede the wisdom of ages.

Could there be finer words than those with which the third Resolution began, "That for maintaining entire the constitutional authority of the King, it was necessary that the Lords Spiritual and Temporal and Commons of Great Britain should determine," What? Why that the representative of the kingly honours shall have no other power than the House of Commons shall think fit to allow him, that the Constitution shall in fact be changed, be overturned and annihilated.<sup>3</sup>

He was indeed satisfied with the Constitution as he found it, he wanted no alteration; but there were others who did, and who set little or no value on the wisdom, integrity, and patriotism of our ancestors, who struggled so gloriously in defence of the rights of an ungrateful posterity.

In point of principle he felt himself warranted in asserting that Great-Britain is governed by an hereditary Monarchy; it was so by the written and by the unwritten law; it was so by the very essence of our excellent, our at present matchless Constitution, and God forbid, it should ever be otherwise.<sup>4</sup>

<sup>1</sup> 'All proceedings, nevertheless, that are grounded on *necessity* should be cautiously conducted. Other matters might go on in a progressive state of improvement, but *necessity exists for its own destruction*. In a dangerous situation a step beyond what is absolutely necessary might carry you from security to ruin' (*World*, 23 Dec. 1788).

<sup>2</sup> False light.

<sup>3</sup> The two Houses were to determine: 'on the means whereby the Royal Assent may be given in Parliament to such Bill as may be passed by the two Houses of Parliament, respecting the Exercise of the Powers and Authorities of the King' during his incapacity.

<sup>4</sup> 'That constitution has for its ground its pedestal and fundamental principle, upon which all the parts rest and lean a descendable hereditary Monarchy defined in powers and described in persons, by unwritten and written Law.

This is not the inheritance of the royal house of Brunswick only or devised God forbid for its Benefit. It is the inheritance of *us all*. It is the freehold, the invaluable Birthright of every Englishman. Why? Is it because the Marriage Bed, and the rule of succession the best mode of securing to us a wise and virtuous administration of affairs? No such thing—but because it imposes an insuperable barrier, no more changeable than the Landmarks of the Creation against all the attempts of *Ambition*, and we look for unmeasured ambition as the main cause of the destruction of Liberty in free States; for we know that men who, who would usurp the sovereign power—*knowing that the Laws are against them will be against the Laws* . . .

For it is not one part of our constitution, I look for the conservation of our Liberties (though parts more eminently to some rather than to others) but to the *whole*: and the whole under its natural and just function and the moment you disable one part you render the whole ineffective.

The first thing therefore, the beginning of all, is to obtain a true, perfect, Natural and reasonable representative of the Monarchy with the Interests of a monarch, the feeling of a Monarch and of the Legal settled constitutional lineage of the Monarch' (MS. at Sheffield, Bk. 15. 25).

It was our own inheritance—it was our strong barrier, our strong rampart against the ambition of mankind! It held out an excellent lesson to the most aspiring; it said, “Thus far shalt thou go, and no further;”<sup>1</sup> thus it sheltered the subject from the tyranny of illegal tribunals, bloody proscriptions, and all the long train of evils attendant upon the distractions of ill-guided and unprincipled Republicks.

The language of the Resolution indeed excited his astonishment, that we are to devise means, that is, that the House of Commons are to direct the Sovereign how he is to act. When he considered this he believed every reasonable man would be induced to imagine that we were in America in the midst of a new Commonwealth, devising the best means we can to establish a new Constitution,<sup>2</sup> not to protect and preserve inviolate an excellent old one already established; he would not have it, however, understood that he was an enemy to all sorts of Republicks, on the contrary, he knew full well there were many very good ones, but that there existed on earth a Republick calculated as well for the happiness of a nation, as our monarchy, he did not believe.

But what would or could the House think of the other proposition of the Right Honourable the Chancellor of the Exchequer, that any one subject has as good a right to the Throne, in this instance, as his Royal Highness the Prince of Wales; that is to say, that any individual has as good a right as the House of Hanover?<sup>3</sup> Was it possible for such monstrous opinions to be entertained? But at the present crisis there was something very ungenerous in persisting in such sentiments; if we fight against the Crown let us fight against it fairly; when the Monarch is seated on the throne, then the contest may be fair, then we act manfully—but what is to be done when the Crown is in a *deliquium*?<sup>4</sup> We should take a man with a large brow and a big wig, he is a fit person<sup>5</sup>—trust none of the Royal Family, for they will all rob the Crown because they are the relatives of the Sovereign, and in order to give proper and legal sanction to our proceedings, we will give a fictitious consent to our own acts; for we are to determine on the means whereby the Royal Assent may be given in Parliament to such bill as may

<sup>1</sup> Job 38: 11.

<sup>2</sup> The American Constitution, drawn up in 1787, had been ratified by the necessary nine states by June 1788.

<sup>3</sup> On 10 December Pitt had said that ‘the Prince of Wales had no more right (speaking of strict right) to assume the Government, more than any other individual subject of the country’ (*Parl. Reg.*, xxv. 26).

<sup>4</sup> a trance.

<sup>5</sup> This is a reference to the Lord Chancellor, Lord Thurlow, who as Keeper of the Great Seal would apply it to signify the royal assent.

be passed by the two Houses of Parliament respecting the exercise of the powers and authorities of the King during the continuance of his Majesty's present indisposition; this is called the Royal assent, without any intimation to the Royal person of any such assent, or to the illustrious personage who is to act for him—this was a glaring falshood and a palpable absurdity. He did not approve of any robbery, house-breaking, highway robbery, or any other felony; yet each of them was less excusable than low forgery. That the Great Seal was to be affixed to a commission robbing the executive power of its due function—a certain composition of wax and copper was to represent the Monarch:—This was a species of absurd metaphysicks, and absurd mechanics; such preposterous fiction, that he did not see how it was possible to treat it otherwise than with contempt and ridicule; but the great effect this absurdity was to have made it serious and important. Here Mr. Burke broke out with astonishing power, and said, "I disclaim all allegiance, I renounce all obedience and loyalty to a King so chosen, and a Crown so formed"—(a great cry of hear! hear! hear!) "I have, said he, given my allegiance already to the House of Hanover to possess the power given by the Constitution. I worship the Gods of our glorious Constitution, but I will not worship *Priapus*."<sup>1</sup>

He then asked the Gentlemen on the other side why they feared the Prince of Wales would abuse his power, or why they doubted whether he would consent to any necessary abridgement of power, when such necessity should be made manifest?—Had not the present King consented?—had not George the Second consented?—had not even William the Third consented? And had not in short the whole line of our Kings since the Revolution consented to all necessary limitations? And if they had, what reason was there to be urged for supposing the present Prince would adopt a conduct so different from his ancestors? And if they thought so, why did they unanimously concur in chusing him, nay proposing him,<sup>2</sup> since there were among his Majesty's Ministers men of such pure and spotless virtue?

The present mode was irregular as well as dangerous, for the House began with resolving themselves into a Republic completely, instead of

<sup>1</sup> Priapus was a deformed monster, son of Bacchus and Venus, worshipped by the Romans as god of licentiousness. The implication is that ministers had created such a monster. According to the *World*, 23 Dec. 1788, Burke compared them to the carpenter in Horace's *Satires*, who made Priapus: 'Cum faber incertus scamnum faceretne Priapum'; till the carpenter, uncertain whether to carve Priapus or a stool. *Satires*, I. viii. 2–3.

<sup>2</sup> Ministers had made it clear that they envisaged that the Prince would become Regent, if one were needed. What was at issue was the constitutional authority by which he became Regent and the powers that he would be able to exercise.



being one of the three estates;<sup>1</sup> it was impossible in any point of view not to see the gross absurdity of the present mode of proceeding; a great deal had been urged in support of different precedents,<sup>2</sup> but he should find himself obliged to any Gentleman who could find one precedent where the Heir Apparent was of full age and discretion, and fit to govern,<sup>3</sup> where even in the darkest, the most distracted, irregular, and confused Government, it was not the uniform opinion that such a Prince should be chosen to govern; when all the heterogeneous mass of cases and farrago of nonsense, under the title of legal distinctions, were considered, every man of common understanding, and integrity of principle, must see the necessity of governing the whole of them by the genuine spirit and the fair principles of the Constitution; he hated, he said, all distinctions and constructions which would not square with the principles of good sense; if the contrary doctrine was adopted, the House might, among themselves, chuse their own Great Seal, together with a person to hold it.

The case of the Speaker of the House of Commons in the 31st of Henry VI. next came under his consideration; it was allowed by Gentlemen on the other side that that case was not law then. But by their present arguments it is law now.<sup>4</sup> He then said he dreaded the idea of a common recovery of the Crown, where any individual, either in that House or the House of Lords, was to become the voucher.<sup>5</sup> When he wanted a King he wanted a man possessed of proper and appropriate power, but a King by the Commons

<sup>1</sup> According to the *World*, 23 Dec. 1788, Burke said that ministers 'had formerly worn Toryism down to rags; now they disgorged all the principles which they had imbibed, and instead of professing their value for a limited Monarchy, became fifth Monarchy-men, and the wildest of Republicans'.

<sup>2</sup> A committee of the House had produced a long report on precedents on 12 November 1788, see *Commons Sessional Papers*, lxvi. 19–115. According to the *Morning Herald*, 23 Dec. 1788, Burke dismissed this as 'ridiculous research for precedents fitter for antiquarians than for members of Parliament'. 'I must observe,' he wrote in a MS. note, 'once for all concerning *precedents*, that we ought in matters so various and contradictory as *acts of State* conveniency and *state* Necessity, to be very cautious how we take every event in constitutional history as a *precedent of Law*. If you do, I will be bold to say that there is not one kind of arrangement of your Throne, nor any opinion of the right to it that is not somewhere or other to be found in the Records of this Kingdom' (MS. at Sheffield, Bk. 15. 7).

<sup>3</sup> The precedents were not as unambiguous as Burke claimed. See the discussion in Derry, *Regency Crisis and the Whigs*, pp. 17–18.

<sup>4</sup> Precedents from the reign of Henry VI (1421–71; reigned 1422–61, 1470–1) were contested ground. Burke is referring to episodes in 1453 and 1454 when Richard, Duke of York (1411–60), became Protector. Government supporters maintained that York had been appointed with the assent of Parliament. Sir Grey Cooper (see above, p. 77) for the opposition, however, argued that the precedent proved nothing, since 'Parliament was then in the most abject and humiliated state of dependence' on the Duke, who could even have the Commons' Speaker, Sir Thomas Thorpe (d. 1461), imprisoned and a new Speaker chosen in his place (*Parl. Reg.*, xxv. 101–5).

<sup>5</sup> Common recoveries were legal proceedings to break entails and transfer settled land.

was the creature of the Commons, it was the King's name but without his will.

The Revolution and the Restoration had been each alluded to, but they were acts of necessity, having attendant upon them their peculiar ways;<sup>1</sup> but what was the nature of the Revolution, and what was the nature of the restraints upon the executive power agreed upon and consented to upon that memorable period? They were these: If a King shall abolish or alter Courts of Law, trial by jury, or religion, or erect a standing army; then the compact is dissolved,<sup>2</sup> and all right and power reverts to the people, and the people by plots, conspiracies or any other secret or violent means may hurl such a King from the throne; the Revolution was in fact a precedent of a delinquent Monarch; a precedent to teach this lesson to Kings:

*Discite Justitiam moniti et non temnere Leges.*<sup>3</sup>

<sup>1</sup> Burke elaborated his objections to using the powers that Parliament had assumed in 1660 or 1689 to impose terms on the Crown as precedents for the current situation in MS. notes. In neither case did normal constitutional precedents apply. In 1660 Charles II gained the throne 'under the shadow and power of a part of the Army', which called a Convention that was 'clearly illegal as it was necessary'. Of the Revolution of 1688, Burke wrote that there could be no man 'worthy to be enrolled in the High Class of Englishmen who does not hold it first in his memory and closest to his heart . . . We have heard much of Revolution Principles: the Principles are these that a King offending as King James offended has violated by various acts deliberately aimed at depriving his people of their Liberties and erecting an arbitrary power—the people as the people of England being aggrieved have a right by combinations plots conspiracies by arms foreign and domestick arms as they can procure them, to dethrone such a King and then with whatever irregularity, to form such a settlement *de novo* as best seems to them best. This is the lesson and principle. The proceeding on the revolution was as irregular as on the restoration—they were obliged to act against the actual constitution in order to regenerate it. England abdication—Scotland forfeiture. These words arose from the difficulties of that Event, which was not formed upon precedent, but upon general reason, and the inalienable rights of men. The Revolution as a precedent is for a Revolution, and if this be the Object, if you please you may use it—but you must first establish your Case—and then proceed to repeal the acts of Settlement for at present the rights of the Crown stand on the firm Basis of these acts of Parliament and not on the revolution which political event was a *Cause producing it*, but not by any means the Title to the Crown' (MS. at Sheffield, Bk. 15. 7).

In depicting the Revolution of 1689 as an act of necessity, not to be interpreted as the exercise of a constitutional authority vested in the people or in Parliament to change the succession at will, Burke was stating a doctrine that he was to elaborate in his *Speech on the Army Estimates* (see below, pp. 292–3), in the *Reflections* (vol. viii, pp. 66–78), and especially in the *Appeal from the New to the Old Whigs* (see below, pp. 407–30). Nevertheless, his account of a revolution in which the people by 'plots and conspiracies' had exercised their 'inalienable rights of man . . . with whatever irregularity, to form such a settlement *de novo* as best seems to them', while similar to what he had written in 1777 (vol. iii, pp. 273–4), is clearly different from his later versions of a revolution brought about under aristocratic leadership to preserve intact the constitution and the structure of society.

<sup>2</sup> These were some of the offences committed by James II as listed in the Bill of Rights of 1689, 1 Will. and Mary, sess. 2, c. 2.

<sup>3</sup> An adaptation of Virgil, *Aeneid*, vi. 620: Be warned. Learn Justice and not to despise the laws. Burke had turned Virgil's 'divos' (the gods) to 'leges' (the laws).

He then adverted to the unnecessary notice which had been taken of the words of Mr. Fox upon the question of Right<sup>1</sup>—"O Shame!" said he, "I have lived to see this day, a single word dropped from an individual, producing such alarming consequences, that nothing short of a Declaratory Bill solemnly passed by both Houses can be sufficient to answer the purpose of a negative to this word."<sup>2</sup> Thus they had indeed paid a compliment to Mr. Fox, and thus they had presented him with a dish on which the most gluttonous appetite might feed until it was satiated.

He then adverted to the case of General Warrants, and quoted the expressions of Sir George Saville, upon the power of the House, relative to Declaratory Laws;<sup>3</sup> the mention of Sir George produced before his mind the agreeable image of the Marquis of Rockingham, both of whom, he observed, were happy in the oblivion of these degenerate times.<sup>4</sup>

He made some observations on the situation of the late Alderman Beckford, upon delivering his speech on the 5th of November, 1766, tending to shew how strictly the House of Commons insisted on its Members not to speak in a manner that might be supposed to hint that the two Houses of Parliament had any power to alter or amend law, without the assent of the executive power.<sup>5</sup>

<sup>1</sup> On 10 December Fox had said that 'the Prince of Wales had as clear, as express a right to assume the reins of Government, and exercise the power of Sovereignty during the continuance of the illness and incapacity which it has pleased God to afflict His Majesty, as in the case of His Majesty having undergone a natural and perfect demise' (*Parl. Reg.*, xxv. 24). Pitt's reply to this uncompromising statement of the Prince's right was to call it 'little less than treason to the constitution of the country. . . . [N]either the whole nor any part of the Royal authority could belong to him in the present circumstances, unless conferred by the Houses of Parliament' (*ibid.* 26). The issue was resolved not by a declaratory act but by resolutions of both Houses.

<sup>2</sup> 'dropped' in original.

<sup>3</sup> In this and the following paragraph Burke is warning the House against its assuming a law-making power by declaring what the law was. The report in the *Morning Herald* explained his allusion to Sir George Savile, (1726-84), 8th Baronet, M.P. for Yorkshire, and a highly respected adherent of the Rockingham connection. Savile, 'when pressing for a declaration on the subject of General Warrants, thought it necessary to explain, by saying, the House was not called upon to declare the law, but merely their sense of the law'. On 25 April 1766 the House had resolved that 'a General Warrant for seizing and apprehending any Person or Persons' was 'illegal' (*Commons Journals*, xxx. 771).

<sup>4</sup> 'Their lives were joined for three and thirty years—and their deaths were but a few little months asunder! Happy in their lives for they lived in honour and friendship! Happy in their deaths—for they saw not, they felt not the base dereliction of principle, unmanly apostacy that soon followed their hearses. Now they are joined for ever; and if they regard any human concern They animate us from Heaven, to resist like Englishmen, and like men the cruel and disgraceful proscription, denounced by the Sylla [Sulla] of our time against all the Cause they adhered and the friends they left as the best Legacies they could bequeath to their Country' (MS. at Sheffield, Bk. 15. 27).

<sup>5</sup> William Beckford (1709-70) had incurred the House's displeasure on 18 November 1766 when he had said that: 'Whenever the public is in danger the King has a dispensing power'. His words had been taken down and he had been obliged to clarify them by adding 'justifiable by Act of Parliament' (*Commons Journals*, xxxi. 16). Presumably at Burke's request, the relevant entry from the *Commons Journals* was read at the end of the current debate (*ibid.* xlv. 44).

With Mr. Fox's idea of the right of the Prince of Wales he had the pleasure to coincide, for if the King be blind, dumb, lethargic, or apoplectic, there must be somebody who is perfect, or else to whom do we owe our allegiance. Gentlemen on the other side seemed to value themselves like antiquarians who have a Homer without a head, the Constitution was by this made a museum.

He wished to know of those who appeared to caution the House against the danger of giving to the Prince too much power, lest the King's right might, upon his returning health, be in danger, what the King could be supposed possibly to lose by being represented by his own son? The rights, he contended, both of Lords and Commons, would be supported by it and preserved. If the Prince were allowed to represent the King without limitation, it would prevent cabals, intrigues, and dissensions; indeed reason and equity, the safety of the country, and the safety of the Crown, were all joined were all jointed in inducing him to agree to the sentiments of Mr. Fox upon this occasion.

He expatiated at some length upon the expression of Gentlemen on the other side of the House, that we had a weak Government;<sup>1</sup> we had indeed a weak Government in two ways, for one King was disabled by nature, and another was disabled by art.<sup>2</sup> He repeated his request to know upon what principle Ministry would elect the Prince, if they suspected him, and if they did not suspect him why did they wish to limit or restrict him?

Were it possible the Sovereign was made acquainted with the present situation of affairs he would observe

"Upon my head they placed a fruitless crown,  
And put a barren sceptre in my gripe,  
Thence to be wrench'd with an unlineal hand,  
No son of mine succeeding:"<sup>3</sup>

He would then add: Restore me to my former state and opinion, do not let me see a black-browed phantom on my throne.<sup>4</sup>

<sup>1</sup> Neither these gentlemen nor what they said have been identified.

<sup>2</sup> 'Their Scheme evidently on the face of it, is this, they are to have a King incapacitated by Nature, and a Regent incapacitated by art' (MS. at Sheffield, Bk. 15. 8).

<sup>3</sup> Shakespeare, *Macbeth*, III. i. 64-7.

<sup>4</sup> This was another reference to Thurlow. 'Shew me a proper legal representative, and not the phantom of Royalty in a black beetle brow'd person of fierce and forbidding countenance sitting on my throne', in *The Times*, 23 Dec. 1788.



The consideration of depriving the Prince of the power of bestowing honours came next to view;<sup>1</sup> the fountain of honour had indeed since the year 1784, pretty profusely flowed;<sup>2</sup> he did not mean to say this was wrong, but if his Majesty had been thus bountiful, it would not be deemed extravagant to indulge his son a little in the same way, at least to deprive him of that advantage was not very decorous—suppose for instance the Prince wished to bestow<sup>3</sup> honours on the House of Cavendish,<sup>4</sup> would any person in that House have the audacity to dispute the propriety of such an honour? Or suppose his Royal Highness should be disposed to revive the title of Rockingham, would it be deemed extravagant or improper?<sup>5</sup> Mr. Burke was indulging himself in observations upon the various possible claims for distinctions which some families might have upon the Prince,<sup>6</sup> when he found himself interrupted: he said that in vociferation and noise they were very great, but he knew a set of hounds which would eclipse them.

Mr. Burke then observed, that he never spoke to the Prince about any office, and perceiving a smile on some countenances, he said, perhaps some Gentlemen would not readily believe this; a doubt might be to them natural enough; he wished to impress the House, with a proper sense of the necessity of not depriving the Prince of the power of bestowing honour; “I should not,” said he, “mean, insignificant, and trifling as I am, like to see my name upon the roll of proscription.”<sup>7</sup> All sorts of proscriptions in cases similar to the present were nonsensical, insane, and most preposterous declarations; for they deprived the executive power of an essential part of its functions, namely, the power of rewarding virtue. He shortly hinted, by way of instance, analogous to the present, the case of Charles the

<sup>1</sup> The bill imposing restrictions on the power of the Regent was to include a provision against his creating new peerages.

<sup>2</sup> There were forty-five creations of new peerages or promotions to higher ranks between December 1783 and 1790.

<sup>3</sup> ‘bestowed’ in original.

<sup>4</sup> The Cavendish family, whose titular head was William Cavendish (1748–1811), 5th Duke of Devonshire, had been strong supporters of the Rockingham connection. As candidates for promotion in the peerage Burke presumably had in mind the Duke’s uncles, Lord John Cavendish (1732–96) and Lord George Cavendish (c. 1727–94).

<sup>5</sup> The title Marquess of Rockingham had lapsed on Rockingham’s death in 1782. Burke is supposing that it might be revived for his nephew and heir William Fitzwilliam (1748–1833), 4th Earl Fitzwilliam.

<sup>6</sup> Other newspapers reported him as suggesting that the Regent might wish to award title of nobility to his brothers.

<sup>7</sup> The question of an appropriate office for Burke, were they to gain office, caused the Whig leaders some difficulties, see *Corr.* v. 438fn. They eventually decided that Burke should be reinstated as Paymaster General with an office for his brother and financial provision for his family.

Sixth of France,<sup>1</sup> and concluded with advising the House to consider on the probability of convalescent sanity, and also to remember the danger and possibility of a relapse;<sup>2</sup> he hoped the House would, upon this awful and momentous occasion provide that sort of fixed and positive security, which the exigency of the occasion demanded.

Both Fox and Pitt then delivered major speeches. In the closing stages of the debate, Burke spoke again briefly to correct Pitt.

Mr. *Burke* complained that the Chancellor of the Exchequer had alluded to some expressions of his as implying that the King could never again recover his full powers, which in the literal meaning implied no more than the uncertainty of what his Majesty's disorder might be.

At the end of the debate the amendment to the government's resolution was defeated by 251 votes to 178. This cleared the way for work to begin on a bill defining the terms on which the Prince of Wales might hold the Regency.

## Speech on Regency Bill 6 February 1789

Source: *Morning Chronicle*, 7 February 1789.

The *Morning Chronicle* carried by far the longest newspaper report of Burke's contributions to this debate. With minor revisions, it was reproduced in *Parl. Reg.*, xxv. 366–7, 367–70, 371–7, 377, and *Parl. Hist.*, xxvii. 1167–71, 1171–7. It has not proved possible to identify items in the abundant notes and drafts in MS. at Sheffield, Bk. 15 that specifically relate to these speeches.

Late in December 1788 it was becoming clear that Pitt's government was able to maintain its control of the House of Commons and, on the evidence of numerous addresses, as before the election of 1784, that it enjoyed public support. On 30 December 1788 Pitt had informed the Prince of Wales of the terms on which he was to hold the Regency. The Prince accepted them under protest in a letter of 2 January, to the drafting of which Burke

<sup>1</sup> Charles VI (1368–1422) was King of France (1380–1422). He suffered bouts of insanity from 1392. Burke elaborated on the case of Charles VI in a speech on 11 February 1789. After he appeared to be cured, he 'delivered all his powers over to the hands of a faction which ruined France' (*Parl. Reg.*, xxv. 461). The implication was that George III might do the same to Pitt. Passages on Charles VI in French and in English translation taken from the *Histoire de France* of François Eudes de Mézeray are in MSS. at Sheffield, Bk. 27. 156–8.

<sup>2</sup> 'This led Mr. *Burke* finally to consider the possible time of continuance, and the probable degree of cure of HIS MAJESTY'S disorder. He seemed to hint, that even if a cure was effected, there might not be much confidence in it' (*World*, 23 Dec. 1788). The likelihood of the King relapsing even if he appeared to have been cured was a theme to which Burke was to return frequently.

contributed much.<sup>1</sup> There was, however, a delay before the terms were presented to the House of Commons. This delay was to enable a committee of the House to subject the physicians attending the King to further questioning. Burke, who had been omitted from the first committee, was a member of this one. Its sessions brought him face to face with Francis Willis,<sup>2</sup> whose treatment of the King and optimism about his recovery Burke found irresponsible. Burke spoke at some length about the King's condition on 6 and 13 January.<sup>3</sup> On 16 January Pitt put before the House five resolutions outlining the restrictions on the Regent that would be embodied in a bill. The Regent would not be able to create peerages, to make grants or appoint to offices for life, or to dispose of the King's personal property, and the care of the King was to be entrusted to the Queen with the aid of a council. These were 'tough conditions',<sup>4</sup> intended in part to limit the extent to which the Regent could put the resources of the Crown behind a new Foxite administration. On 26 January, when the resolutions came back from the Lords and were formally to be sent in an address to the Prince, Burke denounced the impropriety of the methods that Pitt was using. He was aiming at an absolute 'tyranny' over the Regent's government, as 'absolute . . . as any exercised by Julius Cæsar, Augustus or Oliver Cromwell'.<sup>5</sup> He spoke again at length on the next day, ostensibly on the address to the Regent but becoming 'rather an effusion of rich ideas wildly communicated as the imagination suggested, than a regular train of argument forcibly combined', to which he 'introduced several apt and pertinent quotations from the ancients'.<sup>6</sup> On 2 February, in the absence of Fox recuperating at Bath, Burke led for the opposition on an issue on which he cared deeply: the use of the great seal to signify the royal assent to the bill for imposing limitations on the Regent. According to one of his well-wishers, he made a speech 'thought to be one of the best ever heard by any body on *all sides*'.<sup>7</sup> 'He stated at lengths the great mischiefs that might be apprehended with respect to Ireland' and to 'the unity of the Empire', pointing out that the British Parliament now had no power to compel the Irish Parliament to follow its lead in laying down terms for the Regency.<sup>8</sup> A few days later, the Irish Parliament did indeed draft an address to the Prince asking him to assume the Regency without restrictions. The bill of the British Parliament was duly introduced and read for the first time on 5 February. On the following day Burke delivered an onslaught on it at its second reading.

Mr. *Burke* rose, and declared himself astonished that the Bill should be proposed to be read a second time, without the House having heard a syllable as to what the principles of the Bill, as opened and acted upon by the clauses and provisions of the Bill, were. He had, he said, often known the principles upon which a Bill had been ordered to be brought in, either totally lost sight of in the Bill itself, or so violently strained and departed from in the various clauses,<sup>9</sup> that scarcely a single principle upon which the House had resolved to legislate was to be found in the Bill, or to be found entire. It behoved the House, therefore, at all times, to watch great and

<sup>1</sup> *Corr.* v. 435–6.      <sup>2</sup> The Revd Dr Francis Willis (1718–1807).

<sup>3</sup> *Parl. Reg.*, xxv. 164–5, 166, 170–2, and 180–1, 184, 185.

<sup>4</sup> Ehrman, *Pitt: The Years of Acclaim*, p. 658.

<sup>5</sup> *Parl. Reg.*, xxv. 300.

<sup>6</sup> *Morning Chronicle*, 28 Jan. 1789; *Parl. Reg.*, xxv. 321–2, 323–6, 329.

<sup>7</sup> Countess of Minto, ed., *Life and Letters of Sir Gilbert Elliot, First Earl of Minto*, 3 vols., London, 1874, i. 269.

<sup>8</sup> *Parl. Reg.*, xxv. 346.

<sup>9</sup> 'causes' in original.

important Bills narrowly, and to see that they were not deceived and deluded; and that while they meant and had resolved to pass a Bill for one purpose, they were not induced to pass a Bill, containing provisions to answer a very different purpose. There might possibly, he said, exist some doubts as to the constitutional and legal competency of the character in which they were then proceeding to act as a branch of a perfect legislature; in argument and in debate he and others had much questioned the validity of the Commission, under the authority of which Parliament had been opened;<sup>1</sup> but admitting for the present that there had been exercised a competent power to make the Houses a Parliament, and enable them to do the act, upon which they were proceeding, they ought to see what the Bill was, before they went on with it, and therefore though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the Bill a second time, to the extent of its provisions, and the extraordinary manner in which the Resolutions, that the two Houses had come to, were now attempted to be made use of and carried into effect.<sup>2</sup> Never surely, said he, was there a time when the people of England and that House were so called on to see what they were doing, and to examine with every possible degree of prudence and foresight, the serious and important consequences what they were doing might lead to. His Majesty's incapacity to exercise the Royal Authority had been established to the conviction of the two Houses in a manner, that left all possibility of doubt out of the question; indeed, if the examinations of his Majesty's Physicians had not taken place, the fact would be too clear to have admitted a dispute, from a great variety of consequences not necessary to be detailed, because they were consequences which, they not only all saw but felt.<sup>3</sup> The duration of his Majesty's malady, the turns it might take, the disguises it might assume, lay hidden in the secret recesses of the dispositions of Providence. His Majesty was insane, but his malady was not like that of some other persons who were under confinement in houses and places destined for such purposes, intermittent, various, subject to degrees, lucid intervals, and occasional visitations of reason, but his faculties were totally eclipsed; not a partial eclipse wanting some digits of completion, but

<sup>1</sup> Since the King could not personally open the new session, it had been done by a commission under the great seal.

<sup>2</sup> Burke is proposing to subject the bill to a close examination on the second reading. By convention this was reserved for the committee stage.

<sup>3</sup> The physicians had been examined by the House both in December 1788 and in January 1789.



a total and entire eclipse.<sup>1</sup> They were therefore to supply the defect in the exercise of the Royal Authority. The present Bill was indefinite in its duration, because that bold Promiser, Dr. Willis, himself, could not fix a probable time for the chance of his Majesty's being capable of recovering sufficiently well to be fit and able to resume the exercise of his Royal functions,<sup>2</sup> and as Dr. Willis in the sanguine temper, ungoverned zeal, and impetuous rashness of his mind,<sup>3</sup> could not take upon him to decide what would be the duration of his Majesty's illness, it was not likely that physicians of more moderate minds, of cooler judgments, and of more sober reason, should take upon them to decide the duration of the malady that had struck at the Sovereignty of the Empire, and wounded every thing that was Sovereign, either in the political or natural capacity of the King upon the Throne. Not any thing like a moderate time, therefore, had been promised for the duration of his Majesty's illness; the malady of the Monarch consequently was fixed to no known definite time, and at that moment a Bill was brought in totally to separate and parcel out the Royal Authority, so as to leave only the chance of a Government necessarily so weak and impotent, as to be scarce able to stand at all.<sup>4</sup> All limited power, Mr. Burke said, was from its nature feeble, and the circumstances of its being only temporary and uncertain, rendered it still more deficient in vigour and efficacy. The first object of the Bill was, he observed, to nominate a person to hold this weak and almost useless Government. The next purpose it avowed its aim to effect, was the raising a power in opposition to that Royal Authority.<sup>5</sup> Those who gave such powers, were clearly to be the masters of them, and there could no doubt remain but that the Bill was drawn with a design to answer the rash ends of the mad and daring ambition of a Right Honourable Gentleman,<sup>6</sup> whose conduct

<sup>1</sup> 'O dark, dark, dark, amid the blaze of noon, / Irrecoverably dark, total eclipse' (Milton, *Samson Agonistes*, 80–1). Burke had consulted with doctors and visited 'mad houses', such as one at Hoxton, where he was reported to have inquired especially into the probability of recovery in patients over 50 (*Star*, 19 Jan. 1789). He later told the House that 'he had taken pains to make himself master of the subject, he had turned over every book upon it, and had visited the dreadful mansions, where those unfortunate beings were confined' (Speech on 11 February 1789, *Parl. Reg.*, xxv. 462).

<sup>2</sup> While professing 'not the least doubt' of the King's recovery, under questioning by the Commons committee Willis had declined to 'hazard an opinion' as to how long the disease would last (*Commons Sessional Papers*, lxvi. 124).

<sup>3</sup> In the debate on 13 January Burke had complained that '*his Majesty's life was not safe*' in Willis's hands, since he had allowed the King to have a razor (*Parl. Reg.*, xxv. 181).

<sup>4</sup> For the bill, see *Commons Sessional Papers*, lxiv. 1–14.

<sup>5</sup> 'The care of His Majesty's Royal Person, and . . . the Direction and Government of His Majesty's Household' were to be vested in the Queen, Charlotte of Mecklenburg Strelitz (1744–1818), who was to appoint the officers of the household and was to have the advice and assistance of a council.

<sup>6</sup> Pitt.

had but too plainly manifested his view and his intentions. Thus there was a partition of power, in which the Prince was destined to have no other than an *official* character, while all the Palaces, Offices, and dignities, were given to another. This partition was more odious and offensive than the famous Partition Treaty relative to the succession on the death of the last Prince of the House of Austria.<sup>1</sup> It was a partition founded on a most wicked and malicious principle; every thing that was degrading and restrictive, every thing that stamped a suspicion on the character of the Prince, and conveyed a gross affront to his Royal Highness, by holding him out as a person not to be trusted, as a person whom the publick ought to suspect, and were likely to be deceived by, was done by what was withheld in the Bill; while on the other hand, all that was graceful, all that was honourable, all that was calculated to hold up a character as great, virtuous, and meritorious, was given where an Opposition was set up to oppose and counteract the executive Government. The Bill affected to give the Royal Authority, and tended to answer the purposes of a faction against that authority. Its real object was to defeat the preferable claim of the Prince of Wales to the Regency, in the very moment that the Claim had been in practice and in effect, found to be irresistible, and to set up what had been termed the *equal* Right of a Subject as paramount to the Prince's Right.<sup>2</sup> Mr. Burke, with great warmth declaimed upon the purport of the Bill, in the view of which he chose to consider it, and among a variety of other invectives against it, said, the doctrine of divine right, which had been exploded in the House of the Stuarts, was now revived in favour of another House. The present Minister he understood had been called an *heaven-born* Minister in another place;<sup>3</sup> they might fairly suppose therefore, that he had a divine right to take to himself a larger portion of power and of patronage than he chose to leave to the Prince on the Throne; and when he said the Prince on the Throne, he begged to be understood as alluding to the Prince of Wales, sitting on the Throne in his delegated character, on the behalf, in the name, and as the representative of his father. But if the Minister was

<sup>1</sup> Led by Prussia, European powers tried to partition the Austrian Empire on the death in 1740 of Charles VI (1685–1740). To which specific treaty Burke is referring is unclear.

<sup>2</sup> Burke presumably means that the bill was intended to give Pitt a paramount authority over the Prince as Regent.

<sup>3</sup> The report in the *Public Advertiser*, 7 Feb. 1789, clarifies Burke's meaning: 'It had been, he said, asserted elsewhere (House of Lords) that the Right Honourable Gentleman was a heaven-born Minister: He did not, however, expect to have heard such an assertion made when the divine right of Monarchs was exploded.' In the Lords on 23 January 1789 James Brydges (1731–89), 3rd Duke of Chandos, 'parodying what Mr. Pitt's father had said of general Wolfe [actually of Robert Clive], pronounced the present Chancellor of the Exchequer a heaven-born minister' (*Parl. Hist.*, xxvii. 1080).

already declared by one of his fanaticks to be an *Heaven-born* Minister, he did not wonder at his considering himself as acting under the influence of a divine right, and that he should go any lengths to secure the power that he aimed at. By the present Bill, all the powers of distributing honours, and every charity, were denied the Regent.<sup>1</sup> There were, Mr. Burke observed, a variety of lesser instances of bounty annexed to the Crown, that the Regent was most invidiously restrained from. There were employed by the Household, painters, architects, poets, historiographers, and many other artists and artificers of different degrees, ranks, orders and descriptions, to reward, whom, the Prince was deprived of every possible opportunity. He was left without a table, without any provision that resembled the shadow of royalty, further than what he had enjoyed as Prince of Wales, from his Majesty's personal bounty.<sup>2</sup> Mr. Burke enlarged upon this topick considerably, and with his customary ardour of expression. Though, he trusted, he honoured her Majesty as much as any other subject, he did not think she ought to have that patronage. She might be nominated to hold it, but he was confident the exercise of it would devolve into other hands. The Bill was calculated, he said, to eclipse the royal dignity, and to reduce the Regent to an *official* character, which was a scandal to the nation, and the more so, as coming from those who were thought men of honour, and therefore he should consider it as a wicked, base, and unjust action, not more degrading to the Prince of Wales, than disgraceful to the perpetrators. By the Bill, responsibility was given to the Prince of Wales, who was saddled by having all the onerous duties of Government imposed on him, without having any grateful powers to counterbalance the burthen, while the dignity, splendour, and real distribution of emoluments, were given to the Minister. The Bill meant not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be *outlawed*, *excommunicated*, and *attainted*, as having forfeited all claim to the confidence of the country! [Some Gentlemen smiling at the extent of this doctrine, and the vehemence of emphasis with which it was delivered] Mr. Burke burst out into a most violent passion, and with a degree of warmth that we scarcely ever before witnessed, reprobated the conduct of the other side of the House, and in language that was not

<sup>1</sup> The Prince was not to create any peerages or to make grants of land. The Keeper of the Privy Purse was to issue money for 'such Gifts, Charities and Allowances' to the Queen, which she was to distribute as she judged that 'they would have been applied to by His Majesty'.

<sup>2</sup> Existing orders for payments to be made for the King's civil government, for the use of the Queen, and for the use of 'the Branches of His Majesty's Royal family' were to continue.

sufficiently articulate for us to collect distinctly the whole of what Mr. Burke said, charged them with degrading the Royal Family, sowing the seeds of future distractions and disunion in that family, and with proceeding to act TREASONS, which the justice of their country would one day overtake them for, and bring them to trial—

Mr. Burke was interrupted by a loud and general cry from the other side of the House, of *Order! Order!*

Pitt objected that while he was willing to ignore personal invective directed against him, Burke's accusing the House of Commons collectively of treason was a breach 'not only of order, but of common decency' which could not be permitted. Richard Gamon<sup>1</sup> then objected to references to his kinsman the Duke of Chandos.

*Mr. Burke* rose again, and said, whenever he used any words that were disorderly, he presumed those who thought proper to call him to Order, would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the Right Honourable Gentleman<sup>2</sup> had imputed to him, he confessed that he had expressed himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable imbecility of temper. So far from it, it would have been censurable in him, or any man, possessed of common feeling, to have restrained from that indication of warmth and passion, that he had betrayed, when talking of a Bill, from the provisions of which, the whole House of Brunswick were expressly excluded.<sup>3</sup> When he saw that under a pretence of providing for Government, there was a provision made for tumult, disorder, and debility in that Government, he felt as a man, conscious of the fatal effects of such consequences must feel, and spoke warmly and passionately upon the subject, but that warmth and that passion, arose from a due sense of the dreadful tendency of such a provision; and when ought he to speak of it, but when they were in the action, and in the practice of that very game of ambition, of which he had complained, and to which he imputed all the serious and fatal consequences that he had stated. In considering the

<sup>1</sup> (1748–1818), brother-in-law to the Duke of Chandos.

<sup>2</sup> Pitt.

<sup>3</sup> Membership of the council to assist the Queen had been left blank in the bill. Burke assumed correctly that members of the royal family would not be appointed to it. On 10 February Pitt announced its membership. It was to consist of the Archbishops of Canterbury and York, the Lord Chancellor, the Lord Chief Justice, and four officials of the Household. A draft protest against the provisions for a council in the name of the royal princes with corrections in Burke's hand is in MS. at Sheffield, Bk. 15. 42.



manner in which that game of ambition was proposed to be played, and the measures that were resorted to, in order to render it successful, and to secure that success, was he not to look to the views, intentions, and designs of those, whose object it was to win the game? Especially when those measures were, to the last degree, dear<sup>1</sup> to the Constitution, and obviously tended to aggrandize certain individuals, to the destruction of the Government of the Country? If by the sort of speeches he usually made, the style of his argument, and the warmth of his delivery, he served the purposes of the Right Honourable Gentleman, Mr. Burke said, the Right Honourable Gentleman ought to be much obliged to him. Sure he was, that he did not mean that what he said should further the Right Honourable Gentleman's objects,<sup>2</sup> and certain he likewise was, that the purposes of ambitious men were best served by concealing all enquiry into their secret motives and intentions, and resorting to general encomiums on their conduct. He should contend, that in examining a Bill that tended to cause a total revolution of the splendour of this country, to separate it from the executive government, and to give it to other and unknown persons, he had a right to look to the private views and secret motives of those who brought in such a Bill. If he found the whole object of such Bill, under pretence of a compliment to the King, was calculated to degrade the Royal Family, and merely to serve the purposes of ambitious men, he had an undoubted right to examine into, and question the purity of the motives, designs, and intentions of its authors. Upon what principle, therefore, of propriety or reason, or common sense, had gentlemen deemed an argument founded in such a purpose, as he had explained, a fit subject for laughter? Such laughter, and so applied, was worse than madness itself, and more horrible than the senseless ravings of the unfortunate wretches who were chained to their cells. Mr. Burke urged this argument very strenuously, and with great force of expression, declaring that he had not rashly nor weakly suffered his reasoning on such a subject to hurry him into warmth, but contended that nothing he had said, was deserving of laughter or of ridicule. When the House had got into a Committee, Mr. Burke said, he should, he hoped, shew that he was able to speak with temper, and prove to the conviction of prejudice itself, that the arguments he had, before he was interrupted, only loosely and generally thrown out, were founded in truth and seriousness, and well worthy the solemn attention of every man in the country. At

<sup>1</sup> Presumably 'dangerous' or some similar word was actually used by Burke.

<sup>2</sup> Pitt had said that Burke's intemperate outbursts frequently 'made such an impression upon the House as he (Mr. Pitt) by no means wished to do away' (*Public Advertiser*, 7 Feb. 1789).

present, he would only shew the effects of the Bill collaterally. Mr. Burke then proceeded to touch on some of the provisions in the Bill, which were, he said, so far new to the House, that they had neither been expressed in any of the Resolutions, nor opened or stated in debate. One of the first points of this sort, that he alluded to, was the Privy Purse of his Majesty, which from 36,000*l.* a year had been encreased, first to 48,000*l.* and had at length swelled up to 60,000*l.* a year. That, of which they had hitherto heard nothing, was by the Bill to be withheld from the Prince of Wales, who was to have no Privy Purse, so that by the Bill they would separate from him the table, honour and hospitality belonging to Royalty, and were going for what they knew, to create a fund for bribing Members of Parliament, by entrusting the Queen with the care and application of such an enormous sum of money. They gave such a large sum not for what the King would have done, were he well and in health, but for her Majesty's *guessing*, what the King would have wished to have done, were he well, while the Prince of Wales, as Regent, was neither suffered to act liberally for himself, nor to think what his Royal Father would have had done.<sup>1</sup> They had, Mr. Burke said, heard of the Queen's girdle, the Queen's shoes, the Queen's mantle, and other parts of her personal attire as heads of expence under the Civil List, but they had never before heard of the Queen's having an enormous sum allowed her for *guessing* what the King would have done, had he not been insane. Mr. Burke considered this part of the Bill's probable operation in a variety of views. The Queen might, he said, be regarded as the King's trustee for accumulation, or his trustee for distributing it to nobody knew who. The sum might be given away in pensions to support the faction, and in bribes to the Members of that House. The privy Purse in his Majesty's hands had been responsibly placed; according to the Bill, it was to be entrusted where there was no responsibility whatever; and, if the Bill should pass that House, it would manifest that they were resolved not to abate a shilling of the money, about the very disposition of which they did not know, nor express any desire to know a syllable. After dwelling on this object of the Bill, for some time, Mr. Burke adverted to that part of it, which comprehended the Provisions for the care of the King's person, from which the Prince of Wales, he observed, was expressly excluded.<sup>2</sup> Perhaps, he said, that exclusion was proper, but why was the Duke of York,<sup>3</sup>

<sup>1</sup> For the arrangements for the Privy Purse, see above, p. 262, n. 1.

<sup>2</sup> The care of the King was to be entrusted to the Queen and to her council.

<sup>3</sup> Frederick Augustus, Duke of York (1763–1827), the Prince's brother and a strong supporter of his rights.

and the Dukes of Cumberland,<sup>1</sup> of Gloucester,<sup>2</sup> and the rest of the Royal Family excluded? Was he to be laughed at, for saying that such a general exclusion upon the face of it appeared as if the whole House of Brunswick were outlawed, excommunicated and attainted of High Treason? Had the rest of the family no interest in the preservation of the King's person? Had they expressed that they had no wish for his recovery? His Majesty's person, and his Majesty's money, what security was there for either? The language of the Bill clearly was, "Oh! keep the Prince from both, and let them lie at the mercy and the will of the kites and the crows of the air!"<sup>3</sup> There seemed to be no other disqualification for coming near the Royal person, and having any share in the care and guardianship of the personal property of the King, but the having sprung from his Royal loins. His Majesty's money and jewels seemed to be made the consideration of three objects, first to consider what they were, next where they were, and lastly in whose hands they were to be intrusted, and in the latter consideration, the Duke of York, the King's affectionate and dutiful son, his loving brothers, the Dukes of Gloucester and Cumberland, and his other sons, Prince William Henry,<sup>4</sup> and Prince Frederick,<sup>5</sup> were expressly excluded, and deemed unworthy of any share of that trust in which they had undoubtedly the first interest and the deepest concern.<sup>6</sup> How did they know but so large a sum as the amount of the King's Privy Purse, (which his Majesty, had he been sane, might have consented to reduce to its former amount, in alleviation of his over burthened Civil List, and to prevent its being again brought to Parliament for an additional increase) was intended to be given to jobbers, and monied men to bribe them to adhere to the faction set up in opposition, and as a place of arms against the executive Government? Was he then to be laughed at, for saying that by the Bill, the House of Brunswick were excluded, proscribed, and attainted?

<sup>1</sup> Henry, Duke of Cumberland (1745–90), George III's brother.

<sup>2</sup> William, Duke of Gloucester (1743–1805), George III's brother.

<sup>3</sup> 'Such bickerings to recount, met often in these our writers, what more worth is it than to chronicle the wars of the kites and the crows, flocking and fighting in the air', Milton, *History of Britain*, bk. iv.

<sup>4</sup> See above, p. 101.

<sup>5</sup> Burke meant Prince Edward (1767–1820), later (1799) Duke of Kent.

<sup>6</sup> The exclusion of the royal princes was debated at length on 11 February. Pitt explained that if it was inappropriate to have the Regent on the council, it was by extension inappropriate to include his close relatives, who would no doubt advise the Queen informally. What he did not say was that the Duke of York and the Dukes of Cumberland and Gloucester had identified themselves with the cause of the Prince of Wales, most notably in the House of Lords on 1 February, when they had refused to serve on the commission for administering the great seal, the Duke of York declaring that the proposed use of it was 'unconstitutional and illegal'. The opposition forced votes on their exclusion on 11 February, which was upheld in each case by majorities of around fifty.

The next part of the Bill that struck him as most extraordinary and highly objectionable was that Clause, which gave the Queen's Council the power to pronounce his Majesty recovered, and restore his Majesty to his Government. An exclamation of *hear! hear!* coming from the other side of the House, Mr. Burke said, gentlemen acted wisely in endeavouring to prevent what would follow from being heard, but he would repeat the expression. The powers given to the Queen's Council to pronounce his Majesty recovered, and restore him to the exercise of his Royal Authority, were most extraordinary.<sup>1</sup> The Clause did not even specify of what number of the Queen's Council those gifted with so extraordinary a power were to consist. That was to be provided for by the filling up of a blank. He rested much remark on this circumstance and said, that Parliament had been deemed competent to dethrone a Sovereign, but when they came to the return of a King, to the exercise of his Royal functions, the whole power was given to a Council, to consist of nobody knew who.<sup>2</sup> Mr. Burke declared, he would for the present touch but on some few of the heads of that Monster, and that as shortly as possible. They had declared the King incapable of exercising his Royal Authority, after a full and solemn examination of his Majesty's Physicians, but whether he was to be deemed capable of resuming the exercise of the Royal Authority, or not, was not to depend<sup>3</sup> on any examination had by them. Before his Majesty had been declared incapable by Parliament,<sup>4</sup> and before they had acted on that declaration of incapacity, his Majesty's physicians had undergone four separate, solemn, and scrupulous examinations; one before the Privy Council, two before that House, and one upon oath before the other House. Thus Parliament had exercised all its own powers of investigation, and super-added those of another of great authority. Why was there not, to be at least as scrupulous an examination of his Majesty's health, when a Motion of so much public importance as his resuming his authority was to be decided?<sup>5</sup> Out of personal delicacy and respect, the House had proceeded carefully to examine into and ascertain the fact of his Majesty's

<sup>1</sup> When the Queen and her council considered the King to be 'restored to health' they were to inform the Regent and the Privy Council.

<sup>2</sup> Pitt announced its membership on 10 February, see above, p. 263.

<sup>3</sup> What seems to be a superfluous 'not' was inserted at this point in the original.

<sup>4</sup> On 16 December 1788 the House had resolved that since the King could not 'attend to public business, . . . the personal exercise of the Royal authority is thereby, for the present, interrupted'.

<sup>5</sup> In the debate on introducing the bill on 5 February Pitt had assured the House that the Privy Council would examine the physicians and would countersign a proclamation that the King was recovered. The proceedings would then be ratified by Parliament.



incapacity before they grounded any proceeding upon it, and was it less important, less necessary, when the question was, whether the country was to be governed by a person in his senses or not, that the fact should be at least as correctly ascertained with respect to his Majesty's recovery? As the Bill stood, until her Majesty should think fit to assert that the King was well, the people were not to know it. If the Council were ministerial, and if his Majesty were well enough to sit in a Chair at the head of that Council, the Bill provided that he should be declared capable. Mr. Burke expatiated on this at some length; he said, it was putting the whole power of changing the Government into the hands of Dr. Willis and his keepers; a person who had been insane might, he contended, be so subdued by coercion and severity, as to be capable of being prevailed on to act the farce appointed him, of appearing for a short period to have recovered his intellects. He maintained the difficulty of getting a man to swear, that a person who had lost his understanding, was restored and in his senses, compared with the ease of getting a man, from the conduct and conversation of another, to swear that he was out of his senses. He urged the utter impossibility of bringing it to proof, whether a person who had been insane was perfectly recovered or not. What was likely to be the natural conduct of a person so happily restored? Undoubtedly his first object would be to revive those domestick feelings, dearest to the human heart! Were the King to recover and had it in his power, would he not, on the restoration of his intellects, first call his dearest son the Prince of Wales into his presence? Would he not next ask for his next son the Duke of York and the rest of the Royal Progeny? Did the Bill provide for this? No. The whole was to be done in a blind manner, in the dark and in a way most liable to suspicion, and to question. The whole was a scheme under the pretence of pronouncing his Majesty recovered to bring back an insane King. Those who conceived that the proof of a man had recovered his understanding, was to depend on affidavits and entries,<sup>1</sup> forgot that a sound King naturally courted public inspection, and was desirous of being examined, and his recovery established to the conviction of his subjects. Mr. Burke reiterated his objections to the Bill, and laid great stress on that of the House of Brunswick, being excluded from any share of the guardianship of the King's person. He declared he did not suspect the Queen of being capable of acting improperly, but as a publick man, it was his duty to suspect

<sup>1</sup> The King's recovery was to be certified by an 'instrument' under the Queen's hand, which was to be entered on the records of the Privy Council.

situations and temptations, that might pervert the purest mind, and draw it aside from the strait path of rectitude, and thus render her Majesty the tool of ambitious men. He reprobated the Bill on account of its malevolent aspect, in excluding the House of Brunswick, and for its malicious attempt to guard against evils from a quarter, whence none were expected to come, and laying a quarter open, whence they were most to be dreaded. The House, he said, had proceeded step after step, and been led on to do that, which if proposed altogether, would, he was persuaded, have been rejected by every man of honour. Like Macbeth, who after having murdered Duncan and Banquo, exclaimed

I am in blood  
Stept in so far, that, should I wade no more  
Returning were as tedious as go o'er,<sup>1</sup>

they found themselves inclined to proceed from not daring to trace back their steps. Mr. Burke said, he had thought it necessary to throw out this preliminary series of loose remarks, not doubting but if they were coolly and seriously attended to, they would call forth those of men of greater abilities than himself, and like the man who first raised a spark, he should see that spark kindle into a flame hereafter. He added some further general remarks on the Bill, and declared, that he had done what he intended, namely laid open *briefly* the provisions of the Bill, that he should be authorized hereafter to compare those provisions with the declared principles on which the Bill had been ordered to be brought in, and to compare those principles back again with the Provisions, and he did not doubt, but sooner or later, Gentlemen would feel in their own breasts as he felt. Before he sat down, Mr. Burke took notice of a charge that he said, had been brought against him of having attacked a noble Duke for declaring in the other House, that the Minister was an Heaven-born Minister.<sup>2</sup> He had heard through the publick, that such an expression had been made use of in the other House of Parliament, but he had not been present at the time or in the place himself. A Minister who was heaven-born, certainly might plead a Divine right, and to a Divine right, he said, he always should bow; they had, before this, heard of Heaven-born Monarchs, and an Heaven-born Minister, he was persuaded, was soon likely to become an Heaven-born Monarch.

<sup>1</sup> Shakespeare, *Macbeth*, III. iv. 142–4.

<sup>2</sup> See above, p. 261.

Richard Gamon again objected to what Burke had said about the Duke of Chandos, even though he himself thought it appropriate to refer to Pitt as 'an Heaven-born minister' for his achievement in restoring 'the revenue, resources and commerce of the country'.

Mr. *Burke* said the Honourable Gentleman had mistaken him. He had intimated no intention again to animadvert on the Noble Duke's expression, but had merely attempted to state the inference and deduction, that he thought might fairly be drawn from that expression.

The Bill was given a second reading without a division and referred to a Committee of the Whole House.

Mr. *Burke* said, as the first Clauses, though liable to some objections, were not liable to as weighty objections as the later Clauses, which contained new matter, he thought it would be most adviseable to proceed no farther in the Committee this day, than through the early Clauses.

Pitt said that it would be impossible to decide in advance how much time was needed.

Mr. *Burke* submitted to the force of this objection, and the House immediately adjourned.

At the committee stage of the bill Burke was very prominent in the opposition's fight against it clause by clause. Periodic furious outbursts continued and were inevitably exploited both by his opponents in the House and by hostile newspapers. The episode most susceptible to exploitation, which was to be used against him for many years in many contexts, occurred on 9 February during the debate on the provisions for the royal household.<sup>1</sup> In reply to opposition protests that the Prince was not being given an appropriate establishment, Pitt had asked whether

When it was said, that it was necessary to keep up the state and splendour of the Regent by decorating him with those external marks of the royal dignity, ought not the King's dignity to be kept by such marks? Ought they in the earliest moments of his Majesty's illness to be eager to strip him of every mark of dignity in order to deck out the Regent with unnecessary powers? Mr. Pitt contended that they ought not, but it was their duty to manifest that they had not forgot the respect and reverence to a Sovereign who had throughout his reign proved himself the father of his people.

After several other Members had spoken,

Mr. *Burke* then rose, and began with observing that the House was almost exhausted, and that his power of engaging their attention was almost exhausted likewise, though the subject was by no means exhausted; he would therefore for the present only say a few words on the astonishing assertions of the Right Honourable Gentleman. To justify that panegyrick on the Sovereign which the Honourable Gentleman had pronounced, he was called upon to bring him forth as a Pageant; dressed up with useless splendour and degrading dignity, to serve the purposes of ambitious men. The Right Honourable Gentleman had said, would they strip the King of every mark of royalty, and transfer all the dignities of the Crown to another person? No. God forbid, when the person wearing the crown could

<sup>1</sup> The fullest account of the debate is in the *Morning Chronicle*, 10 Feb. 1789. It was reproduced in *Parl. Reg.*, xxv. 408, 418–20, 424–5.

lend a grace to those dignities and derive a lustre from the splendour of his Household. But did they recollect that they were talking of a sick King, of a monarch smitten by the hand of Omnipotence; and that the Almighty had *hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meanest peasant in his kingdom*—<sup>1</sup>

At this point Burke 'was most violently called to Order by the other side of the House'. With 'some warmth' the Marquis of Graham<sup>2</sup> said that 'no man in that House should dare to say, the King *was hurled from his throne*'. There was 'a general cry of "*take down his words*"'.

Mr. *Burke* rose again, and as soon as he had obtained a hearing, said, he would give the Gentlemen a full opportunity of taking down his words. He declared that he had been interrupted in the midst of a sentence, and that scripture itself so maimed and mangled might be rendered blasphemy. But when it was said in their churches, that the King was afflicted for their sins,<sup>3</sup> should it not be said that he was struck by the hand of God. At a time when they were putting up their prayers in their temples to Heaven, to restore their King, prostrating themselves before the Deity, and declaring that it was in punishment for their iniquities, the Sovereign was taken ill, (which he thought had better not have been said) should he not have liberty to declare that Omnipotence had smitten his Majesty. His illness was caused by no act of theirs, but ought they, at this hour of sickness and calamity, to cloath his bed with purple? Ought they to make a mockery of him, putting a crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, [A cry of Oh! Oh!] to cry "Hail King of the British!!!"<sup>4</sup>

Burke continued to oppose clauses of the bill, speaking on 10 and 11 February. It passed its third reading on 12 February and was being discussed in committee by the House of Lords when a formal announcement that the King was in a state of convalescence halted proceedings. The King's recovery meant that they were never to be resumed.

## Speech on Abolition of the African Slave Trade

12 May 1789

Source: *Diary*, 13 May 1789.

In 1789 William Woodfall had disposed of the *Morning Chronicle* and founded a new paper, called *The Diary or Woodfall's Register*. The *Diary's* report of this speech was very much longer than that in any other newspaper. It was reproduced with minor additions in *Parl. Reg.*, xxvi. 155–8 and in *Parl. Hist.*, xxviii. 68–71.

<sup>1</sup> All the newspapers reproduced these particular words with minor variants. In the *World* they were rendered as 'The Almighty has been pleased to smite our SOVEREIGN with his Hand—he has hurled him from the THRONE and put him in the condition of the meanest Peasant of the country.' On the following day the *World* reprinted these words with its own comment: 'Never, we believe, since DECENCY was a term, or HUMANITY a virtue, was such language used! And we hold it but our duty, that we again publish it to the country!' The paper, which set itself up as the particular scourge of Burke, especially over the Hastings trial (see vol. vii, pp. 71–4), was to fulfil its duty many times in the future. For Burke's later reflections on this episode, see *Corr.* vi. 7–8.

<sup>2</sup> James Graham (1755–1836), styled Marquess of Graham.

<sup>3</sup> The Archbishop of Canterbury's Form of Prayer for the King's recovery included the words: 'May it please thee to remove from him the visitation with which, for the punishment of our transgressions, thou has seen it good to afflict him' (*Gentleman's Magazine*, lviii, 1788, 1118).

<sup>4</sup> 'And they clothed him with purple and plaited a crown of thorns and put it upon his head. And began to salute him, Hail, King of the Jews!'; Mark 15: 17–18. 'And they stripped him, and put on him a scarlet robe. And when they had plaited a crown of thorns, they put it upon his head, and a reed in his right hand: and they bowed the knee before him, and mocked him, saying, Hail, King of the Jews!'; Matt. 27: 28–9.



A popular movement pressing for the abolition of the Atlantic slave trade had gathered strength after 1783. Many petitions denouncing the trade were presented to Parliament, where William Wilberforce<sup>1</sup> orchestrated the campaign against it. In May 1788 the committee of the Privy Council with responsibility for commercial matters was instructed to collect evidence and to report on the slave trade. Burke had spoken on 9 May 1788, declaring that he wished to see the trade abolished, but 'if the opposition of interests should render its total abolition impossible, it ought to be regulated and that immediately'. He believed that the 'state of slavery, however mitigated, . . . ought not to be suffered to exist'.<sup>2</sup> Wilberforce opened the debate on the Privy Council report on 12 May 1789, with a speech which Burke thought 'equal to any thing he had ever heard of in modern oratory'. Wilberforce presented twelve resolutions to establish the case against the trade. Burke spoke shortly after Wilberforce.

Throughout his public life Burke had denounced slavery and the slave trade as morally abhorrent. He had done so at least three times in the House of Commons in the 1770s.<sup>3</sup> On the other hand, he could still use celebratory language on the value of the trade to Britain in 1787 in a paean of praise on London's world-wide commerce which, among other commodities, brought it 'slaves and gold dust . . . from the South'.<sup>4</sup> In his numerous involvements in the affairs of the British American colonies he clearly accepted trading in Africans and enslaved labour as established institutions in which there were legitimate interests. As M.P. for Bristol in 1774 and 1775 he had lobbied the Board of Trade to disallow, as damaging to Britain's slave trade, a Jamaican duty on imported slaves.<sup>5</sup> He had denounced the royal Governor of Virginia's proclamation of 1775 offering freedom to slaves who rallied to the King's Standard as 'contrary to the common and statute law of this kingdom, as well as to the law of nations'.<sup>6</sup> Americans had been sold African slaves 'on public faith and under the sanction of Acts of Parliament'.<sup>7</sup> Impelled, it would seem, by his sense of how much was at stake in Britain's plantation empire based on slavery and by his conviction, to which he was to give vigorous expression in a speech on 21 May, that enslaved Africans had been reduced to a 'state of the most savage barbarity' which totally unfitted them for immediate freedom,<sup>8</sup> he had advocated gradual reforms of both slavery and the slave trade. His 'Sketch of a Negro Code' of 1780 began with a statement that 'all traffic in the persons of Men, and . . . the detention of their said persons in a State of Slavery' was contrary to 'the principles of true religion and morality, and to the Rules of sound policy', but then it outlined a programme to 'lessen the inconveniences and evils' of the trade and of slavery over a long period.<sup>9</sup> In writing about the Code in 1792, he still stated his belief that the 'cause of humanity would be far more benefited by the continuation of the trade and of servitude, regulated and reformed, than by the total destruction of both or either'.<sup>10</sup> Yet what is striking about his two speeches in May 1789 is the uncompromising stand which Burke took on principle. It was 'the duty of that House' to put an end to the trade. So 'let them thankfully proceed to vote the immediate abolition of the Trade'. The interests of individuals 'ought not to be listened to'. On 21 May he was to call the trade 'an

<sup>1</sup> (1759–1833).

<sup>2</sup> *Parl. Reg.*, xxiii. 604.

<sup>3</sup> Vol. iii, p. 621 n.

<sup>4</sup> See above, p. 243.

<sup>5</sup> P. T. Underdown, 'Edmund Burke, the Commissary of his Bristol Constituencies', *English Historical Review*, lxxiii, 1958, 263–4.

<sup>6</sup> Vol. iii, p. 359.

<sup>7</sup> Vol. iii, p. 281.

<sup>8</sup> See below, p. 278.

<sup>9</sup> Vol. iii, p. 563.

<sup>10</sup> *Corr.* vii. 124. Accounts of slave uprisings in the French West Indies seem to have hardened such views. In a passage of a draft for a speech on 4 March 1793 he likened French Jacobins to 'a pack of base maroon Negroes, born in the Barbarism of Africa, rendered more Barbarous by the corruption of Slavery, rendered perfect savages by an untimely and undeserved emancipation, you pillage, you burn—you saw your Masters in two—you tear the Children from the Womb of their Mothers—you put their hearts and heads which you have left undevoured on Pikes' (MS. at Sheffield, Bk. 10. 74).

absolute robbery'. If there was a choice between partial alleviation or abolition, he was in no doubt that it must be 'totally eradicated'. Neither slave traders nor planters should expect compensation.

Mr. *Burke* said, he did not mean to detain the Committee but for a very few minutes. He was not able, if he had been inclined to it; but as from his other Parliamentary duty<sup>1</sup> he might not have it in his power to attend the business in its course, he would take that opportunity of stating his opinion upon the subject. In the first place, he thought the House, the nation, and all Europe, under very great and serious obligations to the Honourable Gentleman, for having brought the subject forward in a manner the most masterly, impressive, and eloquent. Principles so admirably laid down, with so much order and force, were equal to any thing he had ever heard of in modern oratory; and perhaps it was not excelled by any thing to be met with in Demosthenes.<sup>2</sup> A trade began with savage war, prosecuted with unheard of cruelty, continued during the mid passage with the most loathsome imprisonment, and ending in perpetual exile and unremitting slavery, was a trade so horrid in all its circumstances, that it was impossible a single argument could be heard in its favour. On the score of prudence nothing could be said in defence of it, nor could it be justified by necessity, and no case of inhumanity could be justified, but upon necessity; but no such necessity could be made out strong enough to bear out such a traffick. It was the duty of that House therefore, to put an end to it: if it were said, that the interest of individuals required that it should continue, that argument ought not to be listened to. Supposing that a rich man had a capital to a considerable amount lying by him, and every one he observed who had a large capital was a rich man. All capitals required active motion, it was in their nature not to remain passive and unemployed, but if a large capital were employed in a traffick, disgraceful to the nation, and shocking to humanity; it was the duty of that House to change its application, and instead of suffering it to be ill-employed, to direct it to be employed in some Trade, at once advantageous in its end, respectable in its nature, and useful to mankind. Nor was it any argument to say the capital was already engaged in the Slave Trade; for from its active principle when taken out of that Trade, it would soon find employment in another channel. This had been the case with the Merchants and Ship Owners of Liverpool, during the American war, the African Trade was then almost wholly lost, and yet the Ship Owners of Liverpool had their ships employed either as

<sup>1</sup> The Hastings impeachment.

<sup>2</sup> (384–322 BC), Athenian orator.

transports in the service of Government or in other ways. After descanting on this point for some time with great soundness of reasoning Mr. Burke said, he could have wished with the Member for Liverpool, that the Business might have come to a conclusion at once, without voting the Propositions<sup>1</sup> that had been read to them.<sup>2</sup> He was not over fond of abstract propositions. They were seldom necessary and often caused great difficulty and embarrassment. There was, besides, no occasion whatever to assign detailed reasons for a vote, which upon the face of it sufficiently justified the House in coming to it. If the Propositions should happen to be made, and not be carried in that House or the other, such a complication of mischiefs might follow, as would cause them heartily to lament that they ever were voted. If the ultimate Resolution should happen to be lost, he declared, he was afraid the Propositions would pass as waste paper.<sup>3</sup> He reminded the Committee that it was necessary to look farther than the present moment, and to ask themselves if they had fortified their minds sufficiently to bear the consequences of the step they were that night about to take. When they abandoned the Slave Trade, the Spaniards, and some other Foreign Power, might possibly take it up, and clandestinely supply our West-India Islands with Slaves. Had they virtue enough to see that, to bear the idea of another country reaping profits they had laid down, and to abstain from that envy natural to competitors in trade, so as to keep their virtue, steadily to pursue their purpose, and firmly to adhere to their determination? If so, let them thankfully proceed to vote the immediate abolition of the Trade. But if they should repent of their virtue (and he had experienced miserable instances of such repentance) all hopes of future reformation would be lost; they would go back to a trade they had abandoned with redoubled attachment, and would adhere to it with a degree of avidity and shameless ardour to their humiliation, and to the degradation and disgrace of the nation in the eyes of all Europe. These were considerations well worth adverting to, before they took a decisive step in a business, in which they ought not to move with any other determination than to abide the consequence at all hazards. If they had virtue enough to act in that manner, they would do themselves immortal honour, and would see the abolition of the most shameful trade, that ever

<sup>1</sup> For Wilberforce's twelve Propositions, see *Parl. Reg.*, xxvi. 150-4. He had said that he would not ask for an immediate vote on them.

<sup>2</sup> Bamber Gascoyne (1757-1824), who hoped that the slave trade would grow into 'a much greater source of revenue and riches for this country', had urged that 'the question of right' about the trade should be decided immediately (*Parl. Reg.*, xxvi. 155).

<sup>3</sup> A vote was not to be taken on abolition of the trade until 1791, when it was lost.

the hardened heart of man could bear. Viewing the trade and all the circumstances of it with the horror, that the full view of it, that the Honourable Gentleman had that day displayed, could not fail to excite in the breast of every man not dead to sensibility, he blamed not the Honourable Gentleman for knocking at every door, and appealing to every passion, well knowing, as the Honourable Gentleman had forcibly and correctly said, that mankind were governed by their sympathies. There were other passions, however, to be regarded; men were always ready to obey their sympathies when it cost them nothing. Were they prepared to pay the price of their virtue? The Honourable Gentleman had said, the West India Planters would have a compensation adequate to the loss incurred by the Abolition of the Slave Trade. He believed they would; but how they would have instant compensation for what they would lose, he could not conceive. With their loss, their virtue would be greater. Having put this very forcibly, Mr. Burke took notice of the testimony of Admiral Barrington, who had said, he envied the condition of the Negroes in the West India Islands.<sup>1</sup> The Honourable Admiral, he said, he should rather suppose, meant, that as he had fought so often bravely for his country, he was determined to fight again, rather than suffer his countryman to be made slaves. If, however, he was to be taken literally, his sensation could only be accounted for by his having seen the Negroes in the hour of their sports, when a sense of the misery of their condition was neither felt by themselves nor visible to others.<sup>2</sup> Mr. Burke reasoned on this with infinite knowledge of human nature, great nicety of discernment and great truth of observation. Nothing, he said, made a happy Slave, but a degraded man. In proportion as the mind grows callous to its degradation, and all sense of manly pride is lost, the Slave feels comfort. In fact, he is no longer a man. If he were to define a man, Mr. Burke declared, he would say with Shakespeare,

Man is a being, holding large discourse,  
Looking before and after.<sup>1</sup>

<sup>1</sup> In his speech Wilberforce had quoted the evidence of Admiral Samuel Barrington (1729–1800), who, like other naval officers with West Indian service, had testified in favour of the slave trade. Barrington had seen slaves 'look so happy that he has sometimes wished himself one of them' (*Parl. Reg.*, xxvi. 139).

<sup>2</sup> According to a later report Burke had said that 'To talk of happiness which depends on the will or caprice of another is a misapplication of the term. Those who think this of their state should see their allowance of food distributed, should follow them into the field, attend to the calling of the list, the examination of their bundles of grass, and observe the application of the driver's whip' (Letter of Old Mingo to Stephen Fuller, *Diary*, 31 Aug. 1790).

<sup>1</sup> Shakespeare, *Hamlet*, IV. iv. 35–6.



A Slave was incapable of either looking before or after. Mr. Burke, in this part of his speech, addressed Sir William Dolben (the Chairman)<sup>2</sup> with the words, "to conclude, *My Lords*," which occasioning a loud laugh, Mr. Burke, with great good humour and pleasantry, accounted for this slip of the tongue, by telling Sir William Dolben that he had known men, who, sitting where he did, of no more merit than himself, had been elevated by things equally trifling, and so many people had been lately transplanted into the other House, that he could not help saying, "*My Lords*," by anticipation.<sup>3</sup> To be serious again, he took notice of the reference which Mr. Wilberforce had made to the evidence delivered at the Bar with so much ability by the late Mr. Glover, (author of *Leonidas*) a gentleman who, as Mr. Burke phrased it, had fortified the learned world with works, that would preserve his reputation to future ages. That Gentleman, he said, had told them at their bar the probable mischiefs that the American war would draw on their trade, and because by a happy coincidence of circumstances that mischief had not ensued to its full predicated extent (a circumstance which had very happily disappointed his expectation) was the evidence of Mr. Glover to be despised and ridiculed, and was such a man to be treated as a false prophet?<sup>4</sup> After dwelling upon this for some few minutes, Mr. Burke, said he would conclude as he had begun, with giving his hearty and sincere thanks to the Honourable Gentleman for his speech, and though he might not entirely approve of his mode of proceeding, he was ready to let him pursue his own mode, be that what it might, and to give him every possible support.

<sup>2</sup> William Dolben (1727–1814), 3rd Baronet.

<sup>3</sup> Burke had no doubt inadvertently assumed that he was addressing the House of Lords in the Hastings trial. For Pitt's creation of peerages, see above, p. 233.

<sup>4</sup> Richard Glover (1712–85), an M.P., a merchant and a poet, in giving evidence to the Commons on 16 March 1775 as agent for the London merchants trading with America, had prophesied national disaster from the loss of American trade. His evidence was subsequently published as a pamphlet. Wilberforce had quoted from the pamphlet, arguing that expectations that the abolition of the slave trade would destroy the West Indian plantation economy would be equally mistaken (*Speech of William Wilberforce . . . on 12 May 1789*, London, 1789, p. 34). Glover's epic poem *Leonidas*, in praise of liberty, was published in 1737; Burke had paid an elaborate tribute to him in his *Speech on Conciliation with America*, see vol. iii, p. 112.

## Speech on Abolition of the African Slave Trade

### 21 May 1789

Source: *Morning Star*, 22 May 1789.

The *Morning Star* carried the longest report of what Burke said to appear in the press. It was reproduced in *Parl. Reg.*, xxvi. 200–2 and in *Parl. Hist.*, xxviii. 96–8. There is additional material in *General Evening Post*, 21–3 May 1789.

Burke spoke late in a further debate on the slave trade, nominally on the question as to whether the House should again resolve itself into a Committee of the Whole House to consider the report of the committee of the Privy Council on the slave trade.

Mr. BURKE rose and stated, with regard to the question before the House, of not going into a committee until evidence was heard, it was entirely preventing every means the House had to obtain that evidence which might be thought necessary on the subject.<sup>1</sup> Where could this evidence be given, more properly than in the Committee? As to the question itself, he thought no further evidence was necessary, than what had already been laid before the House, to convince them of the necessity of abolishing what he would be bold to say was a system of *robbery*. He cared not for any objection that any particular persons might make to this expression. The African Trade was, in his opinion, an absolute robbery. It therefore could not be a doubt with the House, whether it was proper to abolish it. It was the end of all law to correct and entirely eradicate, if possible, every evil that existed in any part of the state. The only question before the House was, whether the evil could be cured entirely or only partially alleviated. He had not the least doubt in his own mind, but it could be totally eradicated, without any of those attendant inconveniences which existed in the minds of some gentlemen.<sup>2</sup>—He was, therefore, anxious that they should proceed to that stage of the business in which such inquiries could be made as would convince the Parliament and the country, that the African trade was a robbery that ought to be and could be abolished consistently with every principle of public justice and humanity. As to the idea of the West India Merchants being reimbursed what they might lose by this abolition, it

<sup>1</sup> There had been objections, which ultimately prevailed, to Wilberforce's motion that the Speaker should leave the Chair: that is, that the debate should continue as a Committee of the Whole House.

<sup>2</sup> The *General Evening Post*, 21–3 May 1789 recorded him as saying: 'He would not say . . . that he would not attempt to regulate a robbery. It was the duty of every Legislature to regulate incurable evils, where incurable evils were found; but he would not consent to any regulation of the Slave Trade, till it was proved that abolition was impracticable without the ruin of the West India islands, and that it was an incurable evil.'

was totally against every principle of legislation. Government gave their encouragement to certain species of commerce, as long as they considered they were necessary to their support, or while they were conducted on such principles of equity and humanity as deserved their sanction. But when this commerce became an evil, a disgrace to the state, Parliament was certainly competent to withdraw its countenance from what they had before authorized and protected. And as those who engaged in this commerce, adopted it with all the conveniencies of the sanction and encouragement it received from government. It was, therefore, but just they should be prepared to abide by the losses arising from that sanction and encouragement being withdrawn. It was, consequently, evident there existed no just plea for compensation on the part of the planters. He next adverted to the impossibility of a country being ever civilized, that was, thus, in the habits of slavery, as the Africans were. While we continued to purchase them, they must ever remain in a state of savage barbarity; for it was impossible to civilize a slave; it was contrary to the system of human nature. There was no country whatever in this state that was known to be in a state of civilization. On the contrary, those who were in the custom of selling their bodies, must remain in a state of the most savage barbarity. There were but two parts of the world that were<sup>1</sup> distinguished for this national degradation. This was Africa, and those countries bordering on the Black Sea.<sup>2</sup> They were both equally barbarous, both equally destitute of those refinements which attended a refined polity. They had never been found capable of the blessing. No. They would always remain in this state of savage nature, while they remained liable to be purchased as the slaves of other nations.<sup>3</sup> Having argued on this point with his usual judgement and information, he adverted to the policy and humanity of the measure. If the evils were such as had been represented before the Privy Council, he would give his hearty support to the motion. It remained, he thought only for the House to go into the committee to consider the validity of these propositions. It was there that the evidence should be referred to. And the Africans had that claim on our humanity which could not be

<sup>1</sup> 'was' in original.

<sup>2</sup> The Black Sea had been a major source of slaves for Mediterranean Europe until the fifteenth century. Burke believed that the 'whites' round the Black Sea 'were in a state almost as savage and as barbarous as the blacks' on the African coast (*General Evening Post*, 21-3 May 1789).

<sup>3</sup> In a reported conversation in 1786 Burke had speculated that the interior of Africa was 'healthy, civilised, and so fertile that the reaper trod on the heels of the sower. But the thirst of European avarice had raised a barrier round the coasts of that quarter, which prevented all communication with the inoffensive inhabitants' (Prior, *Memoir of Burke*, p. 294).

resisted—whatever might have been advanced by an Honourable Gentleman [Mr. Cruger] in defence of the property of the planters.<sup>1</sup>

The House of Commons continued to receive evidence on the slave trade until 23 June, when it resolved that it would 'early in the next Session of Parliament, proceed to consider further the Circumstances of the Slave Trade'.

## Speech on Bill for Preservation of Trees

28 May 1789

Source: *Diary*, 29 May 1789

The *Diary*, 29 May 1789 carried the longest newspaper report of the debate. Interesting variants on what Burke said can, however, be found in the *Public Advertiser* and the *Sun* of 29 May. The version in *Parl. Reg.*, xxvi. 221–2 seems to be derived from that in the *General Evening Post*, 28–30 May 1789. It is reprinted in *Parl. Hist.*, xxviii. 146–7.

'At the earnest request of all the most respectable Nurserymen and Gardeners in the Vicinity of the Metropolis', William Mainwaring,<sup>2</sup> M.P. for Middlesex, asked leave on 20 May 1789 to introduce a bill intended to amend an act of 1766. This act had made it a felony to enter property and damage trees, shrubs, and other plants by night.<sup>3</sup> The amendment was to extend this to the day. Mainwaring was given permission to introduce his bill by 30 votes to 6.<sup>4</sup> Burke had not been present on that occasion, but he intervened in the debate on the bill's second reading on 28 May, taking the opportunity to express his long-standing opposition, widely shared by reforming opinion, to the use of statutes to create new criminal offences.<sup>5</sup> This had made the criminal law, in his view, 'a mere accumulation of penalties, and an addition of severity to severity, without any system of settled principle for its foundation'. He called for systematic revision of the criminal law.<sup>6</sup>

<sup>1</sup> Henry Cruger (1739–1827) had been Burke's colleague, although by no means his friend, in representing Bristol. He was still M.P. for the constituency and claimed that in denouncing 'a sudden and total abolition' as 'ruinous in the extreme', he was speaking on behalf of 'almost every principal merchant and trader' in Bristol.

<sup>2</sup> (1735–1821).

<sup>3</sup> 6 George III, c. 36.

<sup>4</sup> *Diary*, 21 May 1789.

<sup>5</sup> On 10 June 1782 Burke 'reprobated' the bill to regulate 'rogues, vagabonds and beggars' and 'other disorderly persons' sponsored by Thomas Gilbert (1719–98). He complained that Britain suffered from 'a lust of legislation', the consequences of which 'loaded and disgraced the Statute Books' and 'tended so much to disgrace that House, and oppress the country' (*Morning Chronicle*, 11 June 1782). In further discussion of the bill on 30 April 1783, 'Mr. Burke entered into a very long and learned debate on the evil tendency the Bill would have, and the various mischiefs that arose to society from improper persons being in the commission of the peace' (*Parker's General Advertiser*, 1 May 1783).

<sup>6</sup> This speech is discussed in L. Radzinowicz, *A History of the Criminal Law and its Administration*, 5 vols., London, 1948–60, i. 484–6. For contemporary concerns about extending the criminal law by statute, see D. Lieberman, *The Province of Legislation Determined: Legal Theory in Eighteenth-century Britain*, Cambridge, 1989.



Mr. *Burke* declared himself an enemy to all extensions of the Penal Statutes, originating in a particular case. It was, he said, like stopping up the gaps of a hedge by thrusting in briars and brambles, which while they operated as a temporary cure, in effect destroyed the original fence. Mr. *Burke* objected to the present Bill in particular, as unnecessary. He said, the day was of itself a security against robbing. It was the season for vigilance, the sun and the cock calling man up to vigilance, and the law so considered it. The criminal law he declared to be a disgrace to the country; it was a mere accumulation of penalties, and an addition of severity to severity, without any system or settled principle for its foundation. He wished it to be revised, and to see certain principles laid down which ought in no case to be departed from.<sup>1</sup> Newspapers, he observed, had often said, "here's an offence, why have we not an Act of Parliament to punish it?" Such freedom with Acts of Parliament was in his mind extremely absurd, and their multiplication in respect to Penal Statutes a very great evil.<sup>2</sup> He lamented as much as any man that an individual should be robbed of seventy-five pounds worth of property; but in making an Act of Parliament to prevent such a robbery, the learned Gentleman forgot that five pence might be the utmost extent of the value of a matter taken out of a garden, and that such a paltry robbery must also be brought within the penalty of an Act of Parliament, if an Act were made.<sup>3</sup> From considerations of this sort, Mr. *Burke* said, he had ever, when he had leisure to attend, set his face against applying penal remedies to such offences. The civil remedy was always better than the criminal, and whoever resorted to the latter, in his mind made a bad choice. He expatiated on the preference which he gave to civil remedies, and said, he did not like leaving punishments to the discretion of the Magistrates, but chose always to have matters go to a Jury, and that they should assess the damages.

The bill was given a second reading by 41 votes to 11. It passed through the Commons but failed in the House of Lords.

<sup>1</sup> 'He recommended a revision of the whole criminal law, which, in its present state, he thought abominable' (*Parl. Reg.*, xxvi. 222). The 'criminal laws' needed to 'undergo revision; they were already too full of severity in all their parts, and he should invariably, as he had always done, vote against any increase' (*Public Advertiser*, 29 May 1789).

<sup>2</sup> 'There had been, he said, Bills brought in for the protection of celery and spinage! he doubted not in time to see, if this system was pursued, Bills brought in to protect, by criminal statutes, artichokes, cabbages, and every other article in gardens' (*ibid.*, 29 May 1789).

<sup>3</sup> The Attorney General, Sir Archibald Macdonald (1747-1826), had supported the bill. He had told of a nurseryman who had been robbed in daytime of property worth £75.

## Speech on the Army Estimates 9 February 1790

- Sources: 1. *Substance of the Speech of the Right Honourable Edmund Burke, in the Debate on the Army Estimates, in the House of Commons, on Tuesday the 9th Day of February, 1790. Comprehending a Discussion of the Present Situation of Affairs in France*, 3rd edn., J. Debrett, 1790.  
2. *Parl. Reg.*, xxvii. 88–94, 97, 100–1.

Burke's contribution to the debate on the Army Estimates was widely reported in the newspapers. The fullest version appeared in the *Diary*, 10 February 1790, although Woodfall admitted that 'It was impossible for the Printer to pretend to follow Mr. Burke with accuracy or order, through a Speech of so much length, and a Speech so rich in important matter. All he lays claim to is, an endeavour to avoid any wilful perversion of the actual sense of Mr. Burke's argument.' Other substantial accounts were published in the *Gazetteer*, the *Public Advertiser*, and the *Argus*, all also on 10 February. The version in *Parl. Reg.*, xxvii. 80–94, 97, 100–1 was based on the *Diary* with considerable and often significant elaborations. Burke published his own version of the *Substance* or an 'abstract' of his major speech with a very brief account of his other two contributions to the debate on 20 February. This was twice reprinted with revisions in 1790. The text that follows is the third edition. *Parl. Hist.*, xxviii used the *Substance* for its version of the main speech, cols. 351–63, using *Parl. Reg.* for the other two contributions, cols. 366–7 and 370–1. In issuing his own *Substance*, Burke explained that he wished to correct what had been stated in 'the public papers'. In doing so he certainly wished to focus attention on what he had said about France. He therefore greatly reduced those parts of his main speech which had dealt with the actual topic of the debate: that is, with the Army Estimates. A convincing argument has been made that he amended his exchanges with Fox and Sheridan in order 'to emphasize his closeness to Fox, and to downplay the squabble by assigning little importance to Sheridan' (I. Harris, 'Publishing Parliamentary Oratory: The Case of Edmund Burke', *Parliamentary History*, xxi, 2007, 126). What Burke published will therefore be accompanied by the version of what he was reported to have said that appeared in *Parl. Reg.*

Burke chose a debate on the Army Estimates to make his first public statement about the French Revolution. He began by joining in the opposition's criticism of the government's proposals to maintain the level of military spending. This had hitherto largely been determined by Britain's assessment of French intentions. 'France', Burke said, 'is, at this time, in a political light, to be considered as expunged out of the system of Europe'. Nevertheless Britain had much to fear from France, not from her military rivalry but from the contagion of a Revolution that had produced catastrophic effects in France and might do the same to Britain. Burke then elaborated on the catastrophe that had overwhelmed France and on the dangers that it posed to Britain.

Indications about how information from France was reaching him and about how he was reacting to what he was learning can be derived from his correspondence.<sup>1</sup> What was unfolding in France was very extensively covered in the British press, and French newspapers and official publications were readily available in Britain. Burke studied these closely. He explained in this speech that 'he had paid more particular attention to the journals of the National Assembly and to the whole of the transactions which had taken place in that country than many others, who were less at leisure than himself'.<sup>2</sup> The *Journaux des Débats et Décrets* and the *Procès-verbaux* of the National Assembly and later of the Convention together with the *Moniteur* (*Gazette nationale ou le Moniteur universel*), the most accessible

<sup>1</sup> See *Corr.*, vi.

<sup>2</sup> See below, p. 301. See also *Corr.* vi. 79 and the self-deprecating account of the extent of his reading in *ibid.* vi. 105.

newspaper of the Revolution,<sup>1</sup> were to be closely scrutinized by Burke in the years ahead and to be diligently mined for cruelties and horrors to illuminate his speeches. Many people who had fled from France were later to seek him out and give him their views, but at the time Burke delivered this speech, he had, he wrote, spoken to only one person from France and he was 'not a Refugee'.<sup>2</sup> Whatever may be thought about how he understood what he had read or of the interpretations that he put on it, Burke was not short of information about France.

Quite soon, he was taking a deeply pessimistic view of what was unfolding there and he was also developing a lively fear of French influence on Britain. In the first instance he deplored the way in which what he called 'clubs' and 'associations' were celebrating the triumphs of the French. For him the most objectionable instance of this was the proceedings of the Revolution Society on 4 November 1789, which he had just read. Then Richard Price, a Dissenting minister opposed to all religious establishments and a campaigner for political reform,<sup>3</sup> had given what Burke regarded as a most inflammatory address, celebrating the achievements of the English Revolution of 1688 as he interpreted them and enthusiastically welcoming developments in France. Resolutions of solidarity with revolutionary France had been passed.<sup>4</sup> Burke feared that some of his colleagues in the parliamentary opposition were receptive to such doctrines. At the Duke of Portland's London house he had argued acrimoniously about France with Sheridan,<sup>5</sup> with whom his relations had become very sour since their joint oratorical triumphs in the Hastings trial. The immediate stimulus for him to make a public statement seems, however, to have been his fear, ostensibly based on what he had said in a debate on 5 February,<sup>6</sup> that Fox's views were not sound. Fox responded to Burke's speech with a generally emollient statement of his own opinions, while accepting that he did have differences with Burke about France and about the British constitution. Sheridan's response was far from emollient and led to Burke proclaiming that they were now 'separated in politics'.

#### (1) SUBSTANCE OF THE SPEECH OF THE RIGHT HONOURABLE EDMUND BURKE.

MR. Burke's speech on the Report of the army<sup>7</sup> has not been correctly stated in some of the public papers. It is of consequence to him not to be misunderstood. The matter which incidentally came into discussion is of the most serious importance. It is thought that the heads and substance of the speech will answer the purpose sufficiently. If in making the abstract,

<sup>1</sup> Reprinted as *Réimpression de l'ancien Moniteur*, 32 vols., Paris, 1858-70. Burke was to be criticized for excessive reliance on the *Moniteur*, see below, p. 565, n. 1.

<sup>2</sup> *Corr.* vi. 105. See the discussion of Burke's French contacts in the Introduction to vol. viii, pp. 1-5.

<sup>3</sup> Burke already had a deep aversion to Price, see *Corr.* iii. 254; J. Faulkner, 'Burke's First Encounter with Richard Price', in I. Crowe, ed., *An Imaginative Whig: Reassessing the Life and Thought of Edmund Burke*, Columbia, Mo., 2005, pp. 93-126; and a satirical fragment about Price's being engaged, presumably in 1783, on a treatise on 'consolation' dedicated to his patron Shelburne, which was intended 'to dissipate the Chagrin of that disappointed statesman' (MS. at Sheffield, Bk. 10. 4). His close connection with Shelburne was not the least of Price's offences for Burke.

<sup>4</sup> *A Discourse on the Love of our Country; delivered on Nov. 4, 1789 at the Meeting-house in Old Jewry to the Society for Commemorating the Revolution in Great Britain*, London, 1789.

<sup>5</sup> L. G. Mitchell, *Charles James Fox and the Disintegration of the Whig Party, 1782-1794*, Oxford, 1971, pp. 155-6.

<sup>6</sup> See below, p. 298.

<sup>7</sup> 'estimates' presumably intended.

through defect of memory, in the person who now gives it, any difference at all should be perceived from the speech as it was spoken, it will not, the editor imagines, be found in any thing which may amount to a retraction of the opinions he then maintained, or to any softening in the expressions in which they were conveyed.

Mr. Burke spoke a considerable time in answer to various arguments which had been insisted upon by Mr. Grenville<sup>1</sup> and Mr. Pitt, for keeping an increased peace establishment, and against an improper jealousy of the Ministers, in whom a full confidence, subject to responsibility, ought to be placed, on account of their knowledge of the real situation of affairs; the exact state of which it frequently happened, that they could not disclose, without violating the constitutional and political secrecy, necessary to the well being of their country.

Mr. Burke said in substance, "that confidence might become a vice, and jealousy a virtue, according to circumstances. That confidence, of all public virtues, was the most dangerous, and jealousy in an House of Commons, of all public vices, the most tolerable; especially where the number and the charge of standing armies, in time of peace, was the question.

That in the annual mutiny bill, the annual army was declaredly to be for the purpose of preserving the balance of power in Europe.<sup>2</sup> The propriety of its being larger or smaller depended, therefore, upon the true state of that balance. If the increase of peace establishments demanded of Parliament agreed with the manifest appearance of the balance, confidence in Ministers, as to the particulars, would be very proper. If the increase was not at all supported by any such appearance, he thought great jealousy might, and ought to be, entertained on that subject.

That he did not find, on a review of all Europe, that, politically, we stood in the smallest degree of danger from any one state or kingdom it contained; nor that any other foreign powers than our own allies were likely to obtain a considerable preponderance in the scale.

That France had hitherto been our first object, in all considerations, concerning the balance of power. The presence or absence of France totally varied every sort of speculation relative to that balance.

That France is, at this time, in a political light, to be considered as expunged out of the system of Europe. Whether she could ever appear in it

<sup>1</sup> William Grenville, Secretary of State.

<sup>2</sup> The preamble of the Mutiny Act stated that the army was needed 'for the safety of this kingdom, for the defence of the possessions of the Crown of Great Britain and for the preservation of the balance of power in Europe'.



again, as a leading power, was not easy to determine: but at present he considered France as not politically existing; and most assuredly it would take up much time to restore her to her former active existence—*Gallos quoque in bellis floruisse audivimus*,<sup>1</sup> might possibly be the language of the rising generation. He did not mean to deny that it was our duty to keep our eye on that nation, and to regulate our preparation by the symptoms of her recovery.

That it was to her *strength*, not to her *form of government* which we were to attend; because Republics, as well as monarchies, were susceptible of ambition, jealousy, and anger, the usual causes of war.

But if, while France continued in this swoon, we should go on increasing our expences, we should certainly make ourselves less a match for her, when it became our concern to arm.

It was said, that as she had speedily fallen, she might speedily rise again.<sup>2</sup> He doubted this. That the fall from an height was with an accelerated velocity; but to lift a weight up to that height again was difficult, and opposed by the laws of physical and political gravitation.

In a political view, France was low indeed. She had, lost every thing, even to her name.

Jacet ingens littere truncus  
Avolsunque humeris caput, et sine nomine corpus\*

He was astonished at it—he was alarmed at it—he trembled at the uncertainty of all human greatness.

\* Mr. Burke, probably, had in his mind the remainder of the passage, and was filled with some congenial apprehensions:

“Hæc finis Priami fatorum; hic exitus illum  
Sorte tulit, Trojam incensam, et prolapsa videntem  
Pergama; tot quondam populis, terrisque superbum,  
Regnatorem Asiæ. Jacet ingens littore truncus,  
Avolsunque humeris caput, et sine nomine corpus.  
At me tum primum sævus circumstetit horror;  
Obstupui: subiit chari genitoris imago” —

[Such was the close of Priam's fortunes; such the doom that by fate befell him—to see Troy in flames and Pergamus laid low, he once the lord of so many tribes and lands, the monarch of Asia. He lies a huge trunk upon the shore, a head severed from the shoulders, a nameless corpse. Then first an awful horror encompassed me, I stood aghast and there rose before me the form of my dead father; Virgil, *Aeneid*, ii. 554–60.]

<sup>1</sup> We have heard that the Gauls also flourish in warfare; Tacitus, *Agricola*, xi. 4.

<sup>2</sup> William Grenville had reminded Fox that he had described France in 1787 as ‘even more formidable than she was in the reign of Louis 14th. A few years had produced the present alteration, and a few years might produce another’, Grenville added (*Parl. Reg.*, xxvii. 73).

Since the House had been prorogued in the summer much work was done in France. The French had shewn themselves the ablest architects of ruin that had hitherto existed in the world. In that very short space of time they had completely pulled down to the ground, their monarchy; their church; their nobility; their law; their revenue; their army; their navy; their commerce; their arts; and their manufactures. They had done their business, for us as rivals, in a way in which twenty Ramilies or Blenheims could never have done it.<sup>1</sup> Were we absolute conquerors, and France to lye prostrate at our feet, we should be ashamed to send a commission to settle their affairs, which could impose so hard a law upon the French, and so destructive of all their consequence as a nation, as that they had imposed upon themselves.

France, by the mere circumstance of its vicinity, had been, and in a degree always must be, an object of our vigilance, either with regard to her actual power, or to her influence and example. As to the former, he had spoken; as to the latter, (her example) he should say a few words: for by this example our friendship and our intercourse with that nation had once been, and might again, become more dangerous to us than their worst hostility.

In the last century, Louis the Fourteenth had established a greater and better disciplined military force than ever had been before seen in Europe, and with it a perfect despotism. Though that despotism was proudly arrayed in manners, gallantry, splendor, magnificence, and even covered over with the imposing robes of science, literature, and arts, it was, in government, nothing better than a painted and gilded tyranny: in religion, an hard stern intolerance, the fit companion and auxiliary to the despotic tyranny which prevailed in its government. The same character of despotism insinuated itself into every court of Europe—the same spirit of disproportioned magnificence—the same love of standing armies, above the ability of the people. In particular, our then Sovereigns, King Charles<sup>2</sup> and King James,<sup>3</sup> fell in love with the government of their neighbour, so flattering to the pride of Kings. A similarity of sentiments brought on connections equally dangerous to the interests and liberties of their country. It were well that the infection had gone no farther than the Throne. The admiration of a government flourishing and successful, unchecked in its operations, and seeming therefore to compass its objects more speedily and effectually, gained something upon all ranks of people.

<sup>1</sup> English victories in 1706 and 1704.

<sup>2</sup> Charles II.

<sup>3</sup> James II.

The good patriots of that day, however, struggled against it. They sought nothing more anxiously than to break off all communication with France, and to beget a total alienation from its councils and its example; which, by the animosity prevalent between the abettors of their religious system and the assertors of ours, was, in some degree, effected.

This day the evil is totally changed in France: but there is an evil there. The disease is altered; but the vicinity of the two countries remains, and must remain; and the natural mental habits of mankind are such, that the present distemper of France it is far more likely to be contagious than the old one; for it is not quite easy to spread a passion for servitude among the people: but in all evils of the opposite kind our natural inclinations are flattered. In the case of despotism there is the *foedum crimen servitutis*; in the last the *falsa species libertatis*; and accordingly, as the historian says, *promis auribus accipitur*.<sup>1</sup>

In the last age we were in danger of being entangled by the example of France in the net of a relentless despotism. It is not necessary to say any thing upon that example. It exists no longer. Our present danger from the example of a people, whose character knows no medium, is, with regard to government, a danger from anarchy; a danger of being led through an admiration of successful fraud and violence, to an imitation of the excesses of an irrational, unprincipled, proscribing, confiscating plundering, ferocious, bloody, and tyrannical democracy. On the side of religion, the danger of their example is no longer from intolerance, but from Atheism; a foul, unnatural vice, foe to all the dignity and consolation of mankind; which seems in France, for a long time, to have been embodied into a faction, accredited, and almost avowed.<sup>2</sup>

These are our present dangers from France: but, in his opinion, the very worst part of the example set is, in the late assumption of citizenship by the army, and the whole of the arrangement, or rather disarrangement of their military.<sup>3</sup>

<sup>1</sup> A shameful show of servility; a false show of independence; heard with eager ears; Tacitus, *Histories*, I. i. 13, 12, 54.

<sup>2</sup> In the *Reflections* Burke was fully to develop his theory that a 'literary cabal', which he called the 'Atheistical fathers', 'had formed something like a regular plan for the destruction of the Christian religion' (vol. viii, pp. 160-1). He was later to write that on his visit to France in 1773 he had encountered some of the 'principal conspirators' (*Corr.* ix. 320). At least by 1792 he was convinced that atheism was one of the driving impulses of the Revolution.

<sup>3</sup> Some elements of the French army had been unwilling to take action to quell disorder and had even participated in riots, notably on 14 July and 5-6 October 1789. During 1790 the collapse of discipline in the army had become very widespread. Burke was to describe the 'disarrangement' of the army in detail in the *Reflections* (vol. viii, pp. 257-68).

He was sorry that his right honourable friend (Mr. Fox) had dropped even a word expressive of exultation on that circumstance; or that he seemed 'of opinion that the objection from standing armies was at all lessened by it.'<sup>1</sup> He attributed this opinion of Mr. Fox entirely to his known zeal for the best of all causes, Liberty. That it was with a pain inexpressible he was obliged to have even the shadow of a difference with his friend, whose authority would be always great with him, and with all thinking people—*Quæ maxima semper censetur nobis, et erit quæ maxima semper.*—<sup>2</sup> His confidence in Mr. Fox was such and so ample, as to be almost implicit. That he was not ashamed to avow that degree of docility. That when the choice is well made, it strengthens instead of oppressing our intellect. That he who calls in the aid of an equal understanding, doubles his own. He who profits of a superior understanding, raises his powers to a level with the height of the superior understanding he unites with. He had found the benefit of such a junction, and would not lightly depart from it. He wished almost, on all occasions, that his sentiments were understood to be conveyed in Mr. Fox's words; and that he wished, as amongst the greatest benefits he could wish the country, an eminent share of power to that right honourable gentleman; because he knew that, to his great and masterly understanding, he had joined the greatest possible degree of that natural moderation, which is the best corrective of power; that he was of the most artless, candid, open, and benevolent disposition; disinterested in the extreme; of a temper mild and placable, even to a fault; without one drop of gall in his whole constitution.

That the House must perceive, from his coming forward to mark an expression or two of his best friend, how anxious he was to keep the distemper of France from the least countenance in England, where he was sure some wicked persons had shewn a strong disposition to recommend an imitation of the French spirit of Reform.<sup>3</sup> He was so strongly opposed to

<sup>1</sup> Burke is referring to what Fox had said on 5 February about French soldiers becoming citizens (see below, p. 298). Speaking just before Burke in the present debate, Fox was reported to have 'observed that in whatever light the proceedings in France might be considered by others, he for one viewed them with exultation' (*Gazetteer*, 10 Feb. 1790).

<sup>2</sup> Which is always thought greatest by us, and will always be greatest: Virgil, *Aeneid*, viii. 271–2.

<sup>3</sup> Burke had just read Richard Price's discourse together with the proceedings of the Revolution Society on 4 November 1789. In a reply to Burke's published speech, Lord Stanhope (see above, p. 114), who had chaired the meeting of the Revolution Society, readily identified that body with Burke's 'wicked persons'. He reiterated the Society's enthusiasm for 'the great and glorious' French Revolution, 'which will, in all probability, make the world, for centuries, prosperous free and happy', while Burke and his 'WHIG principles of St Omers' would be forgotten (*A Letter from Earl Stanhope, to the Right Honourable Edmund Burke: Containing a short Answer to his late Speech on the French Revolution*, 2nd edn., London, 1790, p. 34).



any the least tendency, towards the *means* of introducing a democracy like theirs, as well as to the *end* itself, that much as it would afflict him, if such a thing could be attempted, and that any friend of his could concur in such measure, (he was far, very far, from believing they could); he would abandon his best friends, and join with his worst enemies to oppose either the means or the end, and to resist all violent exertions of the spirit of innovation, so distant from all principles of true and safe reformation; a spirit well calculated to overturn states, but perfectly unfit to amend them.

That he was no enemy to reformation, Almost every business in which he was much concerned, from the first day he sat in that House to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses. Some traces of this spirit in him now stand on their statute book.<sup>1</sup> In his opinion, any thing which unnecessarily tore to pieces the contexture of the state, not only prevented all real reformation, but introduced evils which would call, but, perhaps, call in vain, for new reformation.

That he thought the French nation very unwise. What they valued themselves on, was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) in making a revolution; as if revolutions were good things in themselves. All the horrors, and all the crimes of the anarchy which led to their revolution, which attend its progress, and which may virtually attend it in its establishment, pass for nothing with the lovers of revolutions. The French have made their way through the destruction of their country, to a bad constitution, when they were absolutely in possession of a good one. They were in possession of it the day the States met in separate orders.<sup>2</sup> Their business, had they been either virtuous, or wise, or had been left to their own judgement, was to secure the stability and independence of the States, according to those orders, under the Monarch on the Throne. It was then their duty to redress grievances.

Instead of redressing grievances, and improving the fabric of their State, to which they were called by their Monarch, and sent by their Country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the state; and to give it a

<sup>1</sup> Burke presumably meant his Civil Establishment and Pay Office Acts of 1782-3.

<sup>2</sup> The States General had met for the first time since 1614 in May 1789 in its historic division into the orders of the clergy, aristocracy, and Third Estate. This, Burke believed, was restoring the legitimate constitution of France and calling into being a body that would appropriately undertake the extensive reforms that he readily accepted were needed. The three orders, however, merged into a single National Assembly dominated by the Third Estate, a development that Burke abhorred.

steady direction; and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These balances existed in their oldest constitution;<sup>1</sup> and in the constitution of this country; and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down the whole into one incongruous, ill-connected mass.

When they had done this, they instantly, with the most atrocious perfidy and breach of all faith among men, laid the axe to the root of all property, and consequently of all national prosperity, by the principles they established, and the example they set, in confiscating all the possessions of the church.<sup>2</sup> They made and recorded a sort of *institute* and *digest* of anarchy, called the rights of man, in such a pedantic abuse of elementary principles as would have disgraced boys at school; but this declaration of rights was worse than trifling and pedantic in them; as by their name and authority they systematically destroyed every hold of authority by opinion, religious or civil, on the minds of the people.<sup>3</sup> By this mad declaration they subverted the state; and brought on such calamities as no country, without a long war, has ever been known to suffer, and which may in the end produce such a war, and, perhaps, many such.

With them the question was not between despotism and liberty. The sacrifice they made of the peace and power of their country was not made on the altar of Freedom. Freedom, and a better security for freedom than that they have taken, they might have had without any sacrifice at all. They brought themselves into all the calamities they suffer, not that through them they might obtain a British constitution; they plunged themselves head-long into those calamities, to prevent themselves from settling into that constitution, or into any thing resembling it.

That if they should perfectly succeed in what they propose, as they are likely enough to do, and establish a democracy, or a mob of democracies, on a country circumstanced like France, they will establish a very bad government—a very bad species of tyranny.

That, the worst effect of all their proceeding was on their military, which was rendered an army for every purpose but that of defence. That, if the question was, whether soldiers were to forget they were citizens, as an abstract proposition, he could have no difference about it; though, as it

<sup>1</sup> The three estates of the States General were said to date from 1302.

<sup>2</sup> From 2 November 1789 the property of the church was placed 'at the disposal of the nation'.

<sup>3</sup> The Declaration of the Rights of Man and of the Citizen was approved by the National Assembly on 26 August 1789.

is usual, when abstract principles are to be applied, much was to be thought on the manner of uniting the character of citizen and soldier. But as applied to the events which had happened in France, where, the abstract principle was clothed with its circumstances, he thought that his friend would agree with him, that what was done there furnished no matter of exultation, either in the act or the example. These soldiers were not citizens; but base hireling mutineers, and mercenary sordid deserters, wholly destitute of any honourable principle. Their conduct was one of the fruits of that anarchic spirit, from the evils of which a democracy itself was to be resorted to by those who were the least disposed to that form as a sort of refuge. It was not an army in corps and with discipline, and embodied under the respectable patriot citizens of the state in resisting tyranny. Nothing like it. It was the case of common soldiers deserting from their officers, to join a furious, licentious populace. It was a desertion to a cause, the real object of which was to level all those institutions, and to break all those connections, natural and civil, that regulate and hold together the community by a chain of subordination; to raise soldiers against their officers; servants against their masters; tradesmen against their customers; artificers against their employers; tenants against their landlords; curates against their bishops; and children against their parents. That this cause of theirs was not an enemy to servitude, but to society.

He wished the House to consider, how the members would like to have their mansions pulled down and pillaged, their persons abused, insulted, and destroyed; their title deeds brought out and burned before their faces, and themselves and their families driven to seek refuge in every nation throughout Europe, for no other reason than this; that without any fault of theirs, they were born gentlemen, and men of property, and were suspected of a desire to preserve their consideration and their estates. The desertion in France was to aid an abominable sedition, the very professed principle of which was an implacable hostility to nobility and gentry, and whose savage war-whoop was "*a l'Aristocrate*,"<sup>1</sup> by which senseless, bloody cry, they animated one another to rapine and murder; whilst abetted by ambitious men of another class, they were crushing every thing respectable and virtuous in their nation, and to their power disgracing almost every name, by which we formerly knew there was such a country in the world as France.

He knew too well, and he felt as much as any man, how difficult it was to accommodate a standing army to a free constitution, or to any constitution.

<sup>1</sup> Presumably '*à bas les aristocrates*'.

An armed, disciplined body is, in its essence, dangerous to liberty; undisciplined, it is ruinous to society. Its component parts are, in the latter case, neither good citizens, nor good soldiers. What have they thought of in France, under such a difficulty as almost puts the human faculties to a stand? They have put their army under such a variety of principles of duty, that it is more likely to breed litigants, pettyfoggers, and mutineers, than soldiers.\* They have set up, to balance their Crown army, another army,<sup>1</sup> deriving under another authority, called a municipal army—a balance of armies, not of orders. These latter they have destroyed with every mark of insult and oppression. States may, and they will best, exist with a partition of civil powers. Armies cannot exist under a divided command. This state of things he thought, in effect, a state of war, or, at best, but a truce instead of peace, in the country.

What a dreadful thing is a standing army, for the conduct of the whole, or any part of which, no man is responsible! In the present state of the French crown army, is the Crown responsible for the whole of it? Is there any General who can be responsible for the obedience of a Brigade? Any Colonel for that of a Regiment? Any Captain for that of a Company? And as to the municipal army, reinforced as it is by the new citizen-deserters, under whose command are they? Have we not seen them, not led by, but dragging their nominal Commander with a rope about his neck, when they, or those whom they accompanied, proceeded to the most atrocious acts of treason and murder?<sup>2</sup> Are any of these armies? Are any of these citizens!

We have in such a difficulty as that of fitting a standing army to the state, he conceived, done much better. We have not distracted our army by divided principles of obedience. We have put them under a single authority,

\* They are sworn to obey the King, the nation, and the law.

<sup>1</sup> A *comité militaire* of the National Assembly had taken over military administration in 1789 and had started to raise volunteer battalions, drawn from the National Guard, which would be separate from the regular army.

<sup>2</sup> Burke is referring to the events of 5–6 October 1789. The commander of the National Guard, Marie-Joseph-Paul-Yves-Roch-Gilbert Du Motier, Marquis de La Fayette (1758–1834), had led his troops to Versailles to accompany a crowd who, after violence that filled Burke with the horror that was to be reflected in vivid passages in the *Reflections* (see vol. viii, pp. 121–7), compelled the King and the royal family to come back with them to Paris. Reports appeared in the British press that La Fayette had been forced to go to Versailles by the setting up of a gallows intended for him should he not comply. ‘The threat of the mob struck such terror into him, that he chose rather to obey their commands and to bring the King in ignominy to Paris than risk his own safety by refusing their commands’ (*Whitehall Evening Post*, 10–13 Oct. 1789). Thereafter Burke invariably put the worst possible interpretations on La Fayette’s activities.



with a simple (our common) oath of fidelity; and we keep the whole under our annual inspection.<sup>1</sup> This was doing all that could be safely done.

He felt some concern that this strange thing, called a Revolution in France, should be compared with the glorious event, commonly called the Revolution in England; and the conduct of the Soldiery, on that occasion, compared with the behaviour of some of the troops of France in the present instance.<sup>2</sup> At that period the Prince of Orange, a prince of the blood royal in England,<sup>3</sup> was called in by the flower of the English aristocracy to defend its ancient constitution, and not to level all distinctions. To this Prince, so invited, the aristocratic leaders who commanded the troops went over with their several corps, in bodies, to the deliverer of their country. Aristocratic leaders brought up the corps of citizens who newly enlisted in this cause. Military obedience changed its object; but military discipline was not for a moment interrupted in its principle. The troops were ready for war, but indisposed to mutiny.

But as the conduct of the English armies was different, so was that of the whole English nation at that time. In truth, the circumstances of our revolution (as it is called) and that of France are just the reverse of each other in almost every particular, and in the whole spirit of the transaction. With us it was the case of a legal Monarch attempting arbitrary power—in France it is the case of an arbitrary Monarch, beginning, from whatever cause, to legalise his authority. The one was to be resisted, the other was to be managed and directed; but in neither case was the order of the state to be changed, lest government might be ruined, which ought only to be corrected and legalised. With us we got rid of the man, and preserved the constituent parts of the state. There they get rid of the constituent parts of the state, and keep the man. What we did was in truth and substance, and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable, fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same lords, the same commons, the same corporations, the same electors.

<sup>1</sup> Annual Mutiny Acts legalized the existence of a standing army.

<sup>2</sup> See below, p. 298.

<sup>3</sup> The mother of William III was Charles I's eldest daughter and he had married the future James II's daughter.

The church was not impaired. Her estates, her majesty, her splendor, her orders and gradations continued the same. She was preserved in her full efficiency, and cleared only of a certain intolerance, which, was her weakness and disgrace.<sup>1</sup> The church and the state were the same after the revolution that they were before, but better secured in every part.

Was little done because a revolution was not made in the constitution? No! Every thing was done; because we commenced with reparation not with ruin. Accordingly the state flourished. Instead of lying as dead, in a sort of trance or exposed as some others, in an epileptic fit, to the pity or derision of the world, for her wild, ridiculous, convulsive, movements, impotent to every purpose but that of dashing out her brains against the pavement, Great Britain rose above the standard, even of her former self. An æra of a more improved domestic prosperity then commenced, and still continues, not only unimpaired, but growing, under the wasting hand of time. All the energies of the country were awakened. England never presented a firmer countenance, or a more vigorous arm, to all her enemies, and to all her rivals. Europe under her respired and revived. Every where she appeared as the protector, assertor, or avenger, of liberty. A war was made and supported against fortune itself.<sup>2</sup> The treaty of Ryswick,<sup>3</sup> which first limited the power of France, was soon after made: the grand alliance very shortly followed,<sup>4</sup> which shook to the foundations the dreadful power which menaced the independence of mankind. The states of Europe lay happy under the shade of a great and free monarchy, which knew how to be great without endangering its own peace at home, or the internal or external peace of any of its neighbours.

Mr. Burke said he should have felt very unpleasantly if he had not delivered these sentiments. He was near the end of his natural, probably still nearer to the end of his political career; that he was weak and weary; and wished for rest. That he was little disposed to controversies; or what is called a detailed opposition. That at his time of life, if he could not do something by some sort of weight of opinion, natural or acquired, it was useless and indecorous, to attempt any thing by mere struggle. *Turpe senex Miles.*<sup>5</sup>

<sup>1</sup> The Toleration Act of 1689 (1 Will. and Mary, c. 18) granted freedom of worship to Protestant Dissenters.

<sup>2</sup> The Nine Years War, or War of the League of Augsburg, by a coalition, including England, against France.

<sup>3</sup> In 1697.

<sup>4</sup> The alliance of powers, including England, the Dutch Republic, and Austria, against France, concluded in 1701.

<sup>5</sup> An old man is a bad soldier: Ovid, *Amores*, I. ix. 4.

That he had for that reason little attended the army business, or that of the revenue, or almost any other matter of detail for some years past. That he had, however, his task.<sup>1</sup> He was far from condemning such opposition; on the contrary, he most highly applauded it, where a just occasion existed for it, and gentlemen had vigour and capacity to pursue it. Where a great occasion occurred, he was, and while he continued in Parliament, would be amongst the most active and the most earnest, as he hoped he had shewn on a late event.<sup>2</sup> With respect to the constitution itself, he wished few alterations in it. Happy if he left it not the worse for any share he had taken in its service.<sup>3</sup>

Mr. Fox then rose, and declared, in substance, that so far as regarded the French army, he went no farther than the general principle, by which that army shewed itself indisposed to be an instrument in the servitude of their fellow citizens, but did not enter into the particulars of their conduct. He declared, that he did not affect a democracy. That he always thought any of the simple, unbalanced governments bad; simple monarchy, simple aristocracy, simple democracy; he held them all imperfect or vicious: all were bad by themselves: the composition alone was good. That these had been always his principles, in which he had agreed with his friend, Mr. Burke, of whom he said many kind and flattering things, which Mr. Burke, I take it for granted, will know himself too well to think he merits, from any thing but Mr. Fox's acknowledged good nature. Mr. Fox thought, however, that, in many cases, Mr. Burke was rather carried too far by his hatred to innovation.<sup>4</sup>

Mr. Burke said, he well knew that these had been Mr. Fox's invariable opinions; that they were a sure ground for the confidence of his country. But he had been fearful, that cabals of very different intentions, would be ready to make use of his great name, against his character and sentiments, in order to derive a credit to their destructive machinations.<sup>5</sup>

<sup>1</sup> The Hastings trial.

<sup>2</sup> The Regency crisis.

<sup>3</sup> The report in *Parl. Reg.* put the remonstrance to Fox at the end of the speech.

<sup>4</sup> According to the account in *Parl. Reg.*, xxvii. 94–7, Fox had begun by matching Burke's effusions about him. He had 'learnt more' from Burke than 'from all the men with whom he had ever conversed'. He then defined his own political principles. He was opposed to 'an absolute democracy', as he was to any absolute form of government. He was 'a friend only to a mixed government, like our own'. He would never support attempts to introduce 'any dangerous innovation into our excellent constitution'. So he and Burke could never 'differ in principles, however they might differ in their application. In the application of their principles they had more than once experienced the misfortune of differing, particularly in regard to the representation of the People in Parliament.' He deplored 'the scenes of bloodshed and tyranny' in France, but 'he was persuaded that, unsettled as their present state appeared, it was preferable to their former condition, and that ultimately it would be for the advantage of this country that France had regained her freedom'. He acknowledged that he differed from Burke in his interpretation of 1688; 'the case was certainly more parallel with the revolution in France' than Burke allowed.

<sup>5</sup> For a fuller version of Burke's reply to Fox, see below, pp. 303–4.

Mr. Sheridan then rose, and made a lively and eloquent speech, against Mr. Burke,<sup>1</sup> in which, among other things, he said that Mr. Burke had libelled the National Assembly of France, and had cast out reflections on such characters as those of the Marquis de la Fayette and Mr. Bailly.<sup>2</sup>

Mr. Burke said, that he did not libel the National Assembly of France, whom he considered very little in the discussion of these matters. That he thought all the substantial power resided in the republic of Paris, whose authority guided, or whose example was followed by all the Republics of France.<sup>3</sup> The Republic of Paris had an army under their orders, and not under these of the National Assembly.

N. B. As to the particular gentlemen, I do not remember that Mr. Burke mentioned either of them—certainly not Mr. Bailly. He alluded, undoubtedly, to the case of the Marquis de la Fayette;<sup>4</sup> but whether what he asserted of him be a libel on him, must be left to those who are acquainted with the business.<sup>5</sup>

Mr. Pitt concluded the debate with becoming gravity and dignity, and a reserve on both sides of the question, as related to France, fit for a person in a ministerial situation. He said, that what he had spoken only regarded France when she should unite, which he rather thought she soon might, with the liberty she had, acquired, the blessings of law and order. He, too, said several civil things concerning the sentiments of Mr. Burke, as applied to this country.<sup>6</sup>

<sup>1</sup> Sheridan had said that he differed from Burke in 'almost every thing that he had said in respect to the Revolution that had taken place in France. Was the National Assembly to be stigmatized with the Character of a bloody, ferocious and tyrannous Democracy?' He also disagreed with Burke 'with regard to our not having obtained a better Constitution at the Revolution than we before possessed' (*Diary*, 10 Feb. 1790). The *Argus* of 10 Feb. 1790 reported him as having said that: 'The principle on which his Right Honourable Friend (Mr. Burke) had cast this opprobrium on the French revolution, seemed to him derogatory to every constitutional principle he professed to maintain.—For, instead of the National Assembly deserving censure for their having destroyed a cruel and despotic government, they were to be applauded for having rescued themselves from oppression, vindicated the rights of themselves, and their fellow citizens; and being now employed in establishing a system of laws, as nearly as possible to the rights of our constitution.' According to the *Gazetteer*, 10 Feb. 1790, Sheridan had said that Burke had 'come forward as the advocate of despotism'.

<sup>2</sup> Jean-Sylvain Bailly (1736–93), Mayor of Paris.

<sup>3</sup> In 1789 a Commune had been established in Paris consisting of delegates elected by the city's districts. Similar developments had taken place in provincial France.

<sup>4</sup> See above, p. 291.

<sup>5</sup> For a fuller version of Burke's reply to Sheridan, see below, pp. 304–5.

<sup>6</sup> Pitt said that Burke had 'delivered himself with warmth; but a warmth that proceeded from a motive that did the Right Honourable Gentleman the highest honour, and that he should feel himself bound to acknowledge, that the sentiments that the Right Honourable Gentleman had that day professed respecting the Constitution, had inspired him with a most sincere and lasting gratitude' (*Diary*, 10 Feb. 1790).



(2) *PARL. REG.*, xxvii. 88-94, 97, 108-9

Mr. *Burke* observed that he reprobated, from his heart, the unconstitutional doctrine had been avowed that day, that it was right to continue augmenting the establishment of the army in a time of profound peace, so was he determined, that no consideration upon earth should induce him to meet it with his support. If such a system were to prevail, he should say that the policy of Great Britain never was more senseless and absurd. It would draw upon the State the baneful effect of rendering useless the opinion of any individual Member of that House, or of all the Members collectively; because it was a system of increase to our military establishments, just as the whim, caprice, doubt or chimera of a Minister might suggest the possibility of future danger. The Chancellor of the Exchequer and his right honourable colleague (Mr. Grenville), had both avowed that the re-establishment of the Army had no reference to the state of Europe; then, if it was to have none with regard to the state of our circumstances, what was it to refer? The two right honourable gentlemen had rested the whole of their arguments on the general principle that it was wise to guard against surprise; and had maintained that the safety of our West-India possessions depended on there being a force in each adequate to the object.<sup>1</sup> Supposing this principle to be well founded, how did the House know its extent, or as the good sense of his right honourable friend had suggested, how were they sure that the force now voted for the West-India islands, was sufficient to guard against their being attacked by surprise?<sup>2</sup> Upon what grounds was the principle laid down, and upon what authority was its application to this instance supposed to be adequate to its object? Had the opinion of any great military officer been taken, and if it had, where was that opinion to be found? The country abounded with such characters, nor was that House destitute of them among its Members. Not one of these had as yet delivered their sentiments upon the point. But he hoped that the honourable General (Sir George Howard)<sup>3</sup> in the red ribband, whom he saw in his place, would be pleased to declare, whether the force stated in the estimates for the West-India islands was sufficient to prevent their being surprised. He would submit to authority. *Cuique suo arte credendum est.*<sup>4</sup> But the whole question resolved itself into a question

<sup>1</sup> Pitt and Grenville had argued that the lesson of the American War was that West Indian garrisons needed to be strengthened, so that they could hold out until a fleet arrived.

<sup>2</sup> Fox, see *Parl. Reg.*, xxvii. 76.

<sup>3</sup> (1718-96). He wore the red ribbon of a Knight of the Bath.

<sup>4</sup> Everyone ought to be believed on his own art.

of confidence, and the right honourable gentleman over the way<sup>1</sup> had argued 'to prove it that it was constitutional for that House to repose a certain degree of confidence at all times in a Minister respecting the army. He was as ready as any man to allow that there were times in which a Minister must have a certain share of confidence reposed to him respecting the army; but was the present a fit moment for the Minister to claim confidence without limits or for the House to grant it in that respect? If he saw France with a flowing treasury, and well disciplined army, he would give confidence to the Minister, if he asked for an augmentation of the army; but they all knew that there existed no such grounds for confidence. The present Parliament, he was concerned to find, was a Parliament of confidence; and they had certainly too well filled the object of their election. The Minister had long enjoyed their confidence, and he came now to ask for a renewal of a seven-year lease of confidence in their hands.<sup>2</sup> The arguments which he had heard from the other side of the House might, with greater reason, have been expected from persons raw from schools and colleges, than from such experienced politicians; for, surely, they had been long enough in office to have acquired experience. The argument of confidence was mere common place, and the necessary jealousy of Parliament, whenever the army was under consideration, might be set up against it, as an opposing common place. But he would not enter into a chapter of common places. He wished to see how the Minister acted up to his common place. By what power did he imagine that the West Indies were likely to be surprised? By France? He well knew there was no danger. From whom did he expect an attack? Was it from our good allies, Prussia and Holland? Was it from Sweden? From Denmark? From Russia? From the innocent Swiss? Or was it from Poland; for Poland possessed an army? Or did Administration dread their old bugbear, whom they had been taught to fear as children, the Pope? Did they imagine that he was likely to invade the West Indies, by sending out his warlike myrmidons from Civita Vecchia?<sup>3</sup> In fact, their childish fears reminded him of the fable of the hare and the frogs. A hare approached some water, and heard a sudden noise, which alarmed it; on inquiry, it was told that the noise was occasioned by some frogs who were frightened at its approach, and who had plunged into the water to avoid it. Was it that long-eared animal, the Spaniard, whom we dreaded? The Spaniard was too indolent and too supine to meditate such

<sup>1</sup> Pitt.

<sup>2</sup> The Parliament elected in 1784 was to be dissolved on 11 June 1790.

<sup>3</sup> The port of the Papal States.

an attempt, and had always feared us much more than we had generally imagined. Spain, if unassisted by any confederate power, would never dare to commence hostilities against us, especially in the West Indies; she had too much at stake of her own, and was by no means capable of defending it, as we were capable, at present, of invading it. In fact, Mr. Burke said, he had almost travelled over the whole geography of Europe, and could not find a single power from whom there was the least reasonable ground of apprehending surprise in our West India islands. In looking over the map of Europe, he saw indeed, a great gap, a vast blank, no longer of importance, and that was the space hitherto occupied by France; the only power, when France had power, to which this country ought to look, or which she would do right to regard with jealousy. France was now a non-entity:

*Jacet ingens littore truncus:*<sup>1</sup>

and her return to vigour and the power of attack, they all knew, could not be sudden, but must be gradual; and therefore our preparations for defence ought to be proportionably gradual. But, the right honourable gentleman had remarked,<sup>2</sup> that it was easy to destroy, and difficult to rebuild—Would not the the position apply to France at present? He thought it highly indiscreet to advert at all to the internal situation of France in that House, but it had been adverted to already, and sooner or later the day for discussion of what had passed in France would come; he would therefore take the opportunity of saying, that France could not easily rebuild what had been suddenly destroyed. This naturally brought him to what had, he owned, been the principal cause for which he had come down that day, and which had occasioned him to rise more than any thing that had fallen in the course of that day's debate; this induced him to deliver his sentiments concerning what had passed when he was not at the House, on the subject of the late transactions in France. In the former debate a compliment had been paid to the French army, and a noble Viscount (Fielding) had compared what had passed in France to what was termed our Revolution of 1688.<sup>3</sup> He denied that the comparison was just, or the compliment deserved. 'This

<sup>1</sup> See above, p. 284.

<sup>2</sup> Pitt.

<sup>3</sup> It was presumably Fox who had paid the compliment to the French army, when he was reported to have said on 5 February that 'the example of a neighbouring nation' had shown that imputations that the military were obedient tools of despotism were 'unfounded calumnies; and now it was universally known throughout Europe, that a man by becoming a soldier did not cease to be a citizen' (*Parl. Reg.*, xxvii. 55). Robert Feilding (1760–99), styled Viscount Feilding, was an army officer who had recently been in France. On 5 February he had argued that the English army in 1688 and the French troops in 1789 had been equally 'patriotic' in refusing to 'butcher their fellow citizens' (*ibid.*, 60).

country did not owe its constitution to what was called the Revolution. We had in fact no revolution, nor did we obtain a new constitution. The man who held the government and was the head of the executive power was abandoned by the country, because he wished to change the constitution,<sup>1</sup> but the constitution remained; the laws were the same, the rights of the subject the same; and the religion the same. The church, as by law established, received fresh lustre, indeed, from the liberality that adorned it from the period of 1688, in consequence of the toleration introduced, and our old constitution was fixed and confirmed. Was any occurrence in France to be put into comparison with this? Since he last had the honour of addressing that House, as it were, all at once, the army of France, the laws, the religion, the manners, the order of subordination, and the constitution itself, had been destroyed. Excellent architects! they had in two or three months, destroyed all, and as it was the property of gravitation quickly to descend, so it was well known, that to procure an ascent was a work of slow and laborious progress. In France, a cruel, blind, and ferocious democracy had carried all before them; their conduct marked by the most savage and unfeeling barbarity, had manifested no other system than a determination to destroy all order, subvert all arrangement, and reduce every rank and condition of men to one common level; impatient of control and not willing to wait for a better constitution, they had annihilated the old form of government, and substituted anarchy and confusion in its stead. The established government had been overturned by a lawless and sanguinary mob; and surely, of every species of despotism, a democratic despotism was the most abominable. They had an army which acknowledged no head; their signal of attack was like the war-whoop: their liberty was licentiousness, and their religion atheism. If he looked to the army, he saw an army without a General, the officers lead about with halters round their necks,<sup>2</sup> and the whole devoid of discipline, and even daring to overawe those who were deliberating on the most important concerns of the country. To such an height had this cruel, blind, and ferocious democracy pushed their abuse of power, and such had been the conduct of those who formed the standing army of the kingdom, that they had joined the licentious rabble, and put into their hands the sword entrusted to them by the Government under the old constitution. Thus armed, and acknowledging no regular superior, they had committed every sort of excess, marked their footsteps with blood, and singled out every man of rank and every man born a

<sup>1</sup> James II.<sup>2</sup> A reference to La Fayette, see above, p. 291.



gentleman, for vengeance; seized on and committed his title deeds to the flames, and perhaps destroyed his house and all his property, till they had excited such terror that the great Assembly of the Nation dared not to discuss their conduct, but were reduced to the mortifying necessity of sending an apology for having ever so slightly alluded to it; and the only expedient they could resort to was to form another army under the name of the municipal corps to watch the national army, and thus the nation had two armies to pay without being able to depend on either.<sup>1</sup> It was *Caput nil timendum, et corpus inutile*.<sup>2</sup> Mr. Burke declared, that he condemned, as much as it was possible for any man to inveigh against their splendid despotism, and courtly tyranny, such as prevailed under Lewis the Fourteenth; but he confessed that he would much rather have seen the continuance of the late government of France, than have witnessed so horrible a sacrifice to humanity. If he cast his eyes towards the Church, the prospect was equally uncomfortable. Instead of a reform with a view to tolerance,<sup>3</sup> they had done away every pretence to religion and every part of religious form, and set up a direct and dangerous system of infidelity; *aristocrate* was the watch-word of which they made use; and exclaiming *aristocrate*, they bore down all before them; in short, their whole object seemed to be to destroy all order, to level all distinction, to separate obedience and protection, to put an end to subordination, to make the soldier disclaim his officer, the child his parent, and the subject his sovereign. Who, that attended to these shocking occurrences, could seriously imagine that there was not less danger to be apprehended from France, as an enemy, than as a friend? Having insisted upon the forcible picture of the deplorable slavery and oppression which prevailed, during a long period in France, and upon the probable effects which, what he termed, the late dangerous levelling principles might have upon our own constitution, where the House of Commons itself was a species of aristocracy, remarked, that he most sincerely hoped to Heaven that no idea of drawing an inference of what had lately passed in France would so far obtain with us, as to make any man, or set of men, in this country, think any part of the late transactions in France a fit object for our imitation.

<sup>1</sup> Burke is probably referring to debates on the collapse of order in towns and the countryside in the National Assembly on 20 and 23 July 1789, when calls for re-establishing public authority were countered with warnings against expressions of opinion that would inflame the populace. A 'milice bourgeois', which became the National Guard, was advocated as a replacement for the regular army in trying to maintain order (*Ancien Moniteur*, i. 181–3, 197–8).

<sup>2</sup> The head is nothing to be feared and the body is unfit for action.

<sup>3</sup> The Declaration of the Rights of Man and the Citizen had proclaimed religious freedom.

He saw, with rapture the different effects of our most excellent constitution in every point of view in which it could be considered, but in none more than in its army. With us, the army was under a single Commander in Chief, the Monarch on his throne, in whose hands it was entrusted, as the head of the executive Government; its existence, however, depended altogether on the votes of that House, and the will of Parliament. In this country, therefore, while Parliament did its duty, it was scarcely possible for the true purpose of maintaining a regular force to be perverted; or for that military, which was intended for the defence of the kingdom from exterior attack, to be changed into the internal instrument of the oppression of the subject, the violation of the laws, or the destruction of the constitution. He had dwelt the more on what passed in France, because he had paid more particular attention to the journals of the National Assembly, and to the whole of the transactions which had taken place in that country, than many others, who, probably were less at leisure than himself to enter upon investigations of such a nature; and from the impression of the whole, he dreaded our being induced, by the advice of any man, however deservedly great his authority, to select any part of what passed in France for our imitation. He reminded the House of the opposite effects of the extreme of tyranny, and the extreme of licentiousness exemplified during the years of peace in the reign of Louis the Fourteenth and in the present times. In the reign of Louis XIV. the most complete despotism was exercised in France, and glossed over by the polish of the fine arts, and a plausible shew of cultivated manners. We then made France the object of our imitation, and copied her refinements. Thence, our Government became despotic insensibly, and the people groaned under the oppression of courtly tyranny, wearing a brilliant exterior. We had seen France in both extremes, and knew the effects to be equally dreadful. Let the House take warning, therefore, by the example and not imitate France at present. There were some men too vain to acknowledge that they at any time followed the advice of others, and who thought they stood degraded if they ever gave up their own opinion. He professed himself not to be of the number; he always felt himself the taller for the increased size of other men's abilities; and with this view he had ever looked up to the opinion of his right honourable friend (Mr. Fox). He hoped therefore that what his right honourable friend had said that day, of his observing what had passed in France with exultation<sup>1</sup> as well as what had fallen from him in a former

<sup>1</sup> See above, p. 287.

debate relative to the lesson holden out by the army in France, which might induce Englishmen to look with less jealousy at armies than formerly, was not to be considered as a symptom that his right honourable friend was willing to countenance any cabal, with a view to introduce a dangerous innovation in any part of our constitution. There were men in this kingdom, it was well known, who favoured the wild theories of the times, and who, misled by visionary speculations, were ready to profane what should ever be considered, and what he trusted in Heaven ever would remain, sacred,—the constitution of the country. He was confident that his right honourable friend, from no motives whatever, would be induced to lend the aid of his abilities to such a purpose; painful as it at all times was, and ever would be, for him to differ from his right honourable friend in any point, if the dearest friends on earth were to act a part so irreconcilable with what he held to be the first, most indispensable, and never to be forgotten principle of duty of every Member of Parliament, a religious adherence to the constitution, he pledged himself to oppose them. He trusted that, upon the present occasion, the House would prove too just and candid to misconstrue such a declaration into the suspicion of any change in his principles, or of any desertion of those with whom he had long had the honour to act. He was persuaded that the good sense, the virtue, and the prudence of his right honourable friend, would always prevent him from ever degrading the dignity of his own character so much. The moderation which was so shining a part of his character was a security against it. He declared that he scarcely knew how, without incurring the imputation of flattery, to say all that he thought of his right honourable friend in his presence, but as no man had more of the milk of human kindness about him, and as his good disposition, which made him the last man to abuse power, and the first to oppose its abuse in others, pointed him out as the fittest to possess it; he was, therefore, the man to whom, in his old age, he should leave as a legacy, the hope of being the person in whom the government of the country would one day be invested. After a variety of affectionate and endearing expressions towards Mr. Fox, Mr. Burke, in conclusion, remarked, that he had that day spoken boldly; and if he were asked what made him so bold? he should give the same answer, that Solon was said to have given to some prince or politician, who questioned him in like manner: “That his age made him bold.”<sup>1</sup> He had not, he believed, very

<sup>1</sup> Burke is referring to a story about Solon (c.638–c.558 BC), the Athenian lawgiver, told in Plutarch’s life of him: age had emboldened him to defy the tyrant Pisistratus (c.600–527 BC).

long to trouble the House, and he owned he was most earnestly anxious to leave behind him the same constitution, the same maxims, the same laws, and the same rights, which he had so long admired; if they were to be altered, their force weakened, and the essentials of the constitution changed, he should think it greatly for the best, were the duration of the time in which he might indulge the hope of staying amongst them, to be drawn almost immediately to a conclusion; and yet he could scarcely avoid persuading himself, that there was little, if any, reason existing for a dread that such detrimental changes, and such impairing circumstances might intervene; but he considered himself as irresistibly bound to state his sentiments, lest his compatriot<sup>1</sup> and his fellow citizens should imagine that he did not start back from the bare idea of such a design with marked, and inextinguishable abhorrence.

After Fox had spoken in reply,<sup>2</sup>

Mr. *Burke* answered, that he could without the least flattery or exaggeration, assure his right honourable friend, that the separation of a limb from his body could scarcely give him more pain, than the circumstance of differing from him, violently and publicly, in opinion. It was not even in his idea to insinuate that his right honourable friend would lend his aid to any plan concerted for the support of dangerous and unconstitutional procedures. He knew the contrary. His motive for the remarks which he had made, was to warn those who did not possess the brilliant talents and illumined penetration of his right honourable friend, whose moderation was one of the leading features of his political characters, from entertaining sentiments which he conceived to be adverse to good government. He was exceedingly glad, however, that he had delivered himself so plainly in his former speech, since it had drawn from his right honourable friend an explanation not more satisfactory to his mind, than he was persuaded it was to the House, and all who had heard it. With regard to innovation, he was the last man living who was an enemy to reform.<sup>3</sup> Indeed, he must be regarded as a fool, if he, who had been a known proposer of reform of various descriptions, should now stand up as an enemy of all reform. All which he was anxious to protect and preserve, were the grounds of the constitution itself, which ought ever to be kept sacred. Of clubs and associations he had, in

<sup>1</sup> Presumably Sheridan.

<sup>2</sup> See above, p. 294, n. 4.

<sup>3</sup> Fox had said that he was not 'an enemy to every species of innovation' and that the constitution 'owed its perfection to innovation'.



general, disapproved;<sup>1</sup> and he should always resist to the utmost of his power and ability any attempt to destroy or enfeeble the first principles of our unrivalled form of Government, in the defence of which, were it to become necessary, the last drop of his blood should be expended. Having recurred to the example of the conduct of France, during a time of peace, and contended that, as was the case with the reign of Lewis the Fourteenth, it had frequently proved more dangerous to this country than a state of open war, Mr. Burke in conclusion, became again the warm panegyrist of Mr. Fox; and repeated and reinforced the doctrine which he had maintained upon the subject of the Revolution.

In reply to Sheridan,<sup>2</sup>

Mr. *Burke* answered, that he most sincerely lamented over the inevitable necessity of now publicly declaring, that henceforth, his honourable friend and he *were separated in politics*; yet, even in the very moment of separation, he expected that his honourable friend, for so he had been in the habit of calling him, would have treated him with some degree of kindness; or at least, if he had not, for the sake of a long and amicable connection, heard him with some partiality, have done him the justice of representing his arguments fairly. On the contrary, he had, as cruelly and unexpectedly, misrepresented the nature of his remarks. The honourable gentleman had thought proper to charge him with being the advocate of despotism,<sup>3</sup> though in the beginning of his former speech, he had expressly reprobated every measure that carried with it even the slightest appearance of despotism. All who knew him could not avoid, with the most unmerited violation of natural justice, acknowledging that he was the professed enemy of despotism, in every shape, whether, as he had before observed, it appeared in the splendid tyranny of Lewis the Fourteenth, or the outrageous democracy of the present Government of France, which levelled all distinctions in society. The honourable gentleman also had charged him with having libelled the National Assembly, and stigmatised them as a bloody, cruel, and ferocious Democracy. He appealed to the House, whether he had uttered one single syllable concerning the National Assembly, which could warrant such a construction as the honourable gentleman had put upon his words. He felt himself warranted in positively repelling the imputation; because the whole tenor of his life, he hoped, at least, had proved that he was a sincere and firm friend to freedom; and,

<sup>1</sup> See above, p. 223, n. 2.

<sup>2</sup> See above, p. 295, n. 1.

<sup>3</sup> See above, p. 295, n. 1.

under that description, he was concerned to find that there were persons in this country, who entertained theories of Government, not thoroughly consistent with the safety of the State, and were, perhaps, ready to translate a part at least, of that anarchy which prevailed in France, to this kingdom, for the purposes of effectuating their own designs. Yet, if the honourable gentleman considered him as guilty, why did he not attack him as a foe of his country? As to the charge of abusing the National Assembly, it might be almost sufficient to answer, "What is the National Assembly to us?" But, he declared that he did not libel the National Assembly of France, whom he considered very little in the discussion of these matters; that he thought all substantial power resided in the Republic of Paris,<sup>1</sup> whose authority guided, or whose example was followed by all the Republics of France. The Republic of Paris had an army under their orders, and not under those of the National Assembly. The honourable gentleman had asked from whence the people of France were to expect a better constitution? whether from Marshal Broglio<sup>2</sup> at the head of his army; or were they to look for it amidst the dungeons of the Bastile? Was that a fair and candid mode of treating his argument, or was it what he ought to have expected in the moment of departed friendship? On the contrary, was it not evident that the honourable gentleman had made a sacrifice of his friendship, for the sake of catching some momentary popularity? If it was such, however, even greatly as he should continue to admire the honourable gentleman's talents, he must tell him that his argument was chiefly an argument *ad individiam*,<sup>3</sup> and that all the applause he could hope for from clubs, was scarcely worth the sacrifice he had chosen to make for so insignificant an acquisition.

The outbreak of public ill-feeling within the opposition attracted much comment. Fox and Burke were both concerned to minimize the extent of any apparent disagreement between them and Fox and other leading Whigs tried to bring about a reconciliation between Burke and Sheridan. This proved difficult. A further meeting at the Duke of Portland's left them still far apart. One of Burke's friends perceived 'by all the conversations I have had with Burke, that this affair must remain where it is. He says he has no animosity against Sheridan, but that it is impossible their former friendship can be restored. He has no objection to meeting Sheridan, and they have since dined together . . . but I believe they had no conversation of any sort.'<sup>4</sup>

<sup>1</sup> The Commune.

<sup>2</sup> Victor-François, Duc de Broglie (1718–1804), commander of troops believed to be intended to suppress the National Assembly.

<sup>3</sup> An argument of malice.

<sup>4</sup> Minto, *Life and Letters of Elliot*, i. 353.

## Speech on Repeal of Test and Corporation Acts 2 March 1790

Source: *Diary*, 3 and 4 March 1790.

The report in the *Diary*, carried over two days, provided by far the longest coverage of the debate. For Burke's speech, it included what seems to be a long verbatim quotation and also a note giving the full text of a source quoted by Burke. It was reproduced in *The Debate in the House of Commons, on the Repeal of the Corporation and Test Acts*, pp. 40–50, published in 1790 by John Stockdale, with some changes in John Walter's *The Debate in the House of Commons . . . on the Motion . . . for the Repeal of the Test and Corporation Acts*, 1790, in *Parl. Reg.*, xxvii. 178–87 and in *Parl. Hist.*, xxviii. 432–43, where a further footnote is added, see below, p. 317. Significant additional material can be found in the shorter reports of the *Gazetteer*, 3 March 1790 and the *General Evening Post*, 2–4 March 1790.

Protestant Nonconformists—that is, Dissenters—in theory enjoyed freedom of worship but suffered from certain civil disabilities, the most notorious of which were set out in the terms of the Corporation Act of 1661 and the Test Act of 1673. These acts ostensibly excluded non-Anglicans from office in corporations and from public offices. Means of evading their provisions had evolved which meant that Dissenters in reality dominated some corporations and a number of them sat in the House of Commons. Dissenters, however, generally felt that reliance on evasions did not give them security and that in any case the provisions were a mark of their inferiority which they wished to see removed. Considerable bodies of Anglican opinion wanted, other things being equal, to conciliate the Dissenters. This was particularly the case with men like Fox and Burke who saw themselves as the heirs of a Whig tradition of being patrons and allies of the Dissenters. There were also practical reasons for cultivating their political support, which, it was thought, had been switched to Pitt in the 1784 election. By the later 1780s, however, things were ceasing to be equal. Strands of opinion in the Anglican church were becoming increasingly assertive of what they saw as the church's rights and of the need to defend them. On the other hand, some Nonconformists, often known as Rational Dissenters, were flaunting heterodox Unitarian views and claiming toleration for them and full civic equality as matters of right, not of favour. They were thought to be aiming not merely at the redress of grievances but at the ending of the privileges of the established church. They usually also espoused radical secular political causes, such as reform of the representative system. They had generally welcomed the American Revolution and enthusiastically acclaimed revolutionary France. The views of such men, exemplified for Burke by the great scientist Joseph Priestley and by Richard Price, deeply alarmed him. He saw them as plotting revolutionary change in both the religious and political order in Britain. Although he was reluctant to desert the Dissenters, he now felt that what he called 'information lately received' (much of which had in fact been in print for many years) compelled him to support the retention of the Test and the Corporation Acts. This brought him into another conflict with Fox, who had agreed to sponsor the bill for the repeal of the acts and did so in a powerful speech.

Mr. *Burke* began a long speech, which proved to be one of the most forcible and impressive that had been delivered in the debates of the three last sessions against the repeal, with declaring the two preceding times the question had been agitated, he had absented himself from the House, not having been able to make up his mind to any decision on the

subject,<sup>1</sup> and even yet he had not been able to satisfy himself altogether, though certainly in a much greater degree than before, when he could not lay hold of any one straight forward principle to guide his judgment by. He was now, however, from information lately received, ready to say why he could not vote for his Right Honourable friend's question. In every discussion relative to religion, Mr. Burke said, he was sorry to see the appearance of any thing like party spirit, because he thought such subjects ought not to be mingled nor contaminated with party; but to be argued on their own grounds solely; every individual Member what ever his political sentiments might be, and however they might differ from those of other Gentlemen, ought never once to suffer them to prejudice his judgment, nor ought he to allude to them in argument. It had given him concern therefore to observe that the Right Honourable Gentleman over the way, had directed a personal sneer at his Right Honourable Friend in invidiously putting the case, that if a man of *his* [Mr. Fox's] bold and enterprising character was to come into power as a Minister, and countenanced the Dissenters, that they might obtain a footing in places of great trust, and thus become capable of endangering the safety of the civil constitution of the State.<sup>2</sup> The manner in which his Right Honourable Friend had opened and argued the question, and the many very weighty and sound arguments he had brought forward in a manner so open and clear, might, he should have imagined have rescued his Right Honourable Friend such a sarcasm; he was, he owned, the more surprized, because there had been a Minister, who had formerly had a seat in that House, who had held publicly in the House of Lords, and in the face of the Bishops, a language respecting Churchmen, and the doctrine and ritual of our established religion, ten times more broad and gross than any thing his Right Honourable Friend had said of the High Churchmen in former days.<sup>3</sup> The Minister to whom he had alluded had been a man of brilliant talents and acknowledged abilities, a Minister who had directed the government of this country with

<sup>1</sup> In 1787 and 1789. Before the debate on the 1789 bill, Burke had assured the Bristol Dissenter Richard Bright that 'If I should be able to attend I shall certainly Vote for the Bill in conformity to my known principles' (*Corr.* v. 470).

<sup>2</sup> Pitt was reported to have said that he feared that a man with Fox's 'abilities' but 'without the integrity of his principle' — might exercise his powerful talents in rousing the disaffected to an attack upon the church. 'The main thrust of Pitt's speech had been that the Dissenters' demands would not stop at repeal of the acts, but would go on to attack the church establishment. He implied that Fox might not be a wholly committed protector of the establishment.

<sup>3</sup> Fox had deplored the revival of a 'High Church party', which was raising 'the absurd alarm' that 'the Church is in danger'.



great glory to its national character and great safety to the Constitution, in both church and State. The Minister in question, Mr. Burke said, was the late Earl of Chatham,

In the Debate occasioned in the House of Lords,<sup>1</sup> by the SECOND application,<sup>2</sup> Dr. Drummond, the Archbishop of York,<sup>3</sup> having called the Dissenting Ministers "men of close ambition," Lord Chatham said, "that this was judging uncharitably, and that whoever brought such a charge against them, without proof, defamed." Here he paused, and then went on—"The Dissenting Ministers are represented as men of close ambition. They are so, my Lords; and their ambition is to keep CLOSE to the College of Fishermen, not of Cardinals, and to the Doctrine of Inspired Apostles, not to the decrees of interested and aspiring Bishops.—They contend for a spiritual creed, and spiritual worship. We have a CALVINISTIC CREED a POPISH LITURGY, and an ARMINIAN CLERGY."<sup>4</sup>

Thus he observed, had that noble Lord selected the worst names of other religions, and applied them to our Church and Liturgy. The Earl of Chatham, Mr. Burke said, was ever regarded as the protector of the Dissenters, and yet he had never heard that the safety of the Church had been once thought in danger during his administration.<sup>5</sup> When he died, it was generally conceived, that he had left the protection of the Dissenters, with his mantle, to a noble Earl in the other House.<sup>6</sup> That noble Earl had since been at the head of the Government of this country, and the Right Honorable Gentleman over the way had been at the same time in Administration,<sup>7</sup> and no complaint had nevertheless been made when that Administration ceased, that the Church had been left less safe by the

<sup>1</sup> The debate was on 19 May 1772 on the second reading of a bill to excuse Dissenting ministers and schoolmasters from subscription to some of the Anglican Thirty-nine Articles. The bill had passed the Commons but was defeated in the Lords.

<sup>2</sup> 'Second' seems to be an error. This was the first attempt to get the bill passed; a second attempt was made in 1773.

<sup>3</sup> Robert Hay Drummond (1711–76).

<sup>4</sup> The way that this is set out in the text of the *Diary* suggests that it is a quotation, presumably given to the printer by Burke. Its source has not been identified. A press report recorded Chatham as having attacked the bishops of the Church of England for deserting the ideals of 'the college of the poor, humble, despised fishermen, who pressed hard upon no man's conscience, yet supported the doctrine of Christianity both by their lives and conversations superior to all' (*London Evening Post*, 6–9 June 1772; *Parl. Hist.*, xvii. 440–1). Chatham's aphorism that the Church of England had 'Calvinistical' articles of religion and 'Papistical' creeds, while both Church and Dissent were 'every day approaching nearer to Arminianism', circulated widely and was recorded by Horace Walpole (Steuart, ed., *Last Journals of Horace Walpole*, i. 92).

<sup>5</sup> Burke might perhaps have been less confident of that had he known that Chatham had been persuaded to intervene on behalf of the Dissenters by Richard Price (D. O. Thomas and W. B. Peach, eds., *The Correspondence of Richard Price*, 3 vols., Cardiff and Durham, NC, 1983–94, i. 128–31).

<sup>6</sup> Shelburne.

<sup>7</sup> Pitt held office in Shelburne's ministry.

Noble Earl. An intimate and worthy friend of his, the late Sir George Saville,<sup>1</sup> had also been an avowed friend to the Dissenters, and yet he verily believed had Sir George Saville ever been First Lord of the Treasury, he would have thought it his duty to protect the established Church, and save it from the least innovation; it was among a Minister's first duties. The Right Honourable Gentleman, therefore, had no ground whatever for imagining or suggesting, that if his Right Honourable Friend were to be a Minister, that therefore he being avowedly a friend to the Dissenters, the safety of the Church would be endangered. His Right Honourable Friend, Mr. Burke observed, had rejoiced that the lower House of Convocation had not been convened or sat for a long time; but *Lazarus only sleepeth*,<sup>2</sup> (said he) he is not dead; was a fact that ought to be remembered.<sup>3</sup> The lower House of Convocation was not out of existence; it lay dormant indeed, and in a state of dormancy, in his mind, it ought always to continue, unless when some great and real question alarming to the safety of the church rendered its meeting necessary.<sup>4</sup> His Right Honourable Friend, Mr. Burke took notice, had begun<sup>5</sup> his speech with laying down the principles of toleration and of persecution; all persecution civil or religious, was odious and horrible. He had ever held it in detestation, but care ought to be taken, that men did not, under colour of an abstract Principle,<sup>6</sup> deceive even themselves. Abstract principles, Mr. Burke said, his Honourable Friend knew him well enough to know, he disliked, and never could bear; he detested them when a boy, and he liked them no better now he had silver hairs.<sup>7</sup> Abstract principles were what his clumsy apprehension could not grasp; he must have a principle embodied in some manner or other, and the conduct held upon it ascertained before he could pretend to judge of its propriety and advantage in practice. But of all abstract principles, abstract principles of natural right (which the Dissenters relied on, as their

<sup>1</sup> The views of Savile (see above, p. 254), who attended the Unitarian Essex Street Chapel when in London, seem to have been similar to those of Chatham. He professed to prefer 'the Church of God and Christ' when the Church of England differed from it (L. Namier and J. Brooke, eds., *The History of Parliament: The House of Commons 1754-1790*, 3 vols., London, 1964, i. 118).

<sup>2</sup> John 11: 11.

<sup>3</sup> No specific reference to Convocation can be found in reports of Fox's speech.

<sup>4</sup> Since 1718 the Lower House of Convocation, which would have been the natural outlet for High Church sentiment among the clergy apart from the bishops, had been effectively suspended by prorogations which prevented the transaction of more than formal business.

<sup>5</sup> 'began' in original. <sup>6</sup> 'to' omitted before 'deceive'.

<sup>7</sup> Fox had urged the House not to concern itself with the supposed merits or lack of merit of the Dissenters, but to decide the issue on the 'general principles' of toleration, which was founded on 'philosophy and reason'.

strong-hold) were the most idle, because the most useless and the most dangerous to resort to. They superseded society, and broke asunder all those bonds that had formed the happiness of mankind for ages. He would venture to say, that if they were to go back abstractedly to original rights, there would be an end of all society. Abstract principles of natural right had been long since given up for the advantage of having, what was much better, society, which substituted wisdom and justice, in the room of original right. It annihilated all those natural rights, and drew to its mass all the component parts of which those rights were made up. It took in all the virtue of the virtuous, all the wisdom of the wise—It gave life, security, and action to every faculty of the soul, and secured the possession of every comfort which those proud and boasting natural rights impotently held out, but could not ascertain. It gave alms to the indigent, defence to the weak, instruction to the ignorant, employment to the industrious, consolation to those who wanted it, nurture to the helpless, support to the aged, Faith to the doubtful, Hope to those in despair, and Charity to all the human race;<sup>1</sup> extending itself from acts of tenderness to the infant when it first cried in the cradle, to acts of comfort and preparation to the dying man on his way to the tomb. After a most sublime climax of description in detailing the advantages attributable to Society, and also deducible from the Church, which he stated as the necessary creature and assistant of Society in all its great and most beneficial purposes, Mr. Burke professed his peculiar regard and reverence for the Established Church of this Kingdom, and the necessity that existed to preserve it safe and entire at a time like the present, when he contended there was, not merely a false alarm calculated to answer some purpose of mischief and oppression meditated by the established church herself, but strong and warrantable grounds of serious apprehension for the Church's safety. In order to establish this position, Mr. Burke reverted to the definition of toleration as laid down by his Right Honourable Friend, and said he did not clearly understand what his Right Honourable Friend meant, but he believed him to concur in opinion with him that men were not to be judged of merely by their opinions but by the conduct they held compared with their opinions.<sup>2</sup> His rule ever had been to trace effects to their causes, and thus by recurring

<sup>1</sup> 'And now abideth faith, hope, charity', 1 Cor. 13: 13.

<sup>2</sup> Fox had argued that 'Man must judge of acts, not of opinions . . . the only Test to be gone by, was the test of a man's actions'.

to first principles, judge, as his Right Honourable Friend had well argued it, a *posteriori*, of the facts that followed.<sup>1</sup> It was therefore by the conduct of the Dissenters that he judged of them, by their acts, their declarations, and their avowed intentions. After an infinite deal of argument in illustration of the propriety and safety of resting a judgement with regard to the danger to be dreaded from men from a knowledge of their principles, and a comparison between their avowed principles and their acknowledged and undeniable conduct, Mr. Burke said, that he might not be charged with calumniating the Dissenters, whom he had formerly espoused with the utmost zeal, (when, with Sir George Saville, he had contended for their cause, in respect to the Bill last passed in their favour some fourteen years ago)<sup>2</sup> but whom he now accused with holding conduct, and asserting doctrines, that threatened the most imminent danger to the future safety, and even the very being of the Church, he would recur to facts, and produce such proofs of what he asserted, as should put the matter beyond a doubt, and establish to the satisfaction of every man who heard him, that he had attended very sufficiently to the broad and clear distinction between the fears of a man alarmed on the reasonable conviction of the approach of real danger, and those kinds of fears which originated in mere cowardice and unmanly weakness, before he admitted the apprehension that filled his mind at present. Mr. Burke, after a definition of the three distinct points of view in which danger from any quarter to the church was to be considered, *viz.* as to its nearness, its imminence, and the degree of mischief to be dreaded from it, proceeded to establish facts, as he called them, which would, he said, prove the extent of each of the three divisions into which he had resolved the consideration. His first great proof was the production of two printed catechisms circulated by the Dissenters for the use of young non-conformists; written by Mr. Robinson<sup>3</sup> and

<sup>1</sup> Fox had said that 'There were two ways by which we might judge of the opinions of men—*à priori* and *à posteriori*. The former generally led to false conclusions—the latter never.'

<sup>2</sup> 'Fourteen years' appears to be an error. The act permitting Dissenting clergy and schoolmasters to take an oath instead of subscribing to the Thirty-nine Articles had passed in 1779 (19 Geo. III, c. 44). In 1772 and 1773 Burke had supported similar measures, which had passed the Commons only to be defeated in the Lords.

<sup>3</sup> Burke is clearly referring to *A Plan of Lectures on the Principles of Nonconformity. For the Instruction of Catechumens*, Cambridge, 1778, by Robert Robinson (1735–90). Robinson was a Baptist of radical views based at Cambridge. It is easy to see why Burke disliked both his abrasive book and what he may have known of him. Robinson founded the Cambridge Constitutional Society to press for political reform in 1783. He inclined to Unitarianism and was drawn into Joseph Priestley's circle at Birmingham (J. E. Bradley, 'Religion and Reform at the Polls: Nonconformity in Cambridge Politics, 1774–1784', *Journal of British Studies*, xxiii, 1984, 55–78).



Mr. Palmer.<sup>1</sup> The first Catechism, he said, contained no one precept of religion. It consisted of one continued invective against Kings and Bishops, in which every thing was misrepresented and placed in the worst light. In short, it was a Catechism of Misanthropy, a catechism of anarchy, a catechism of confusion! grossly libelling the National Establishment in every part and passage,<sup>2</sup> and these Catechisms were to be put into the hands of Dissenters children, who were thus to be taught in their early infancy to lisp out censures and condemnations of the Established Church of England, and to be brought up as a rising generation of its determined enemies, while possibly the dissenting preachers were themselves recommending the same sort of robbery and plunder of the wealth of the Church as had happened in France, where some men were weak enough to imagine a happy revolution had taken place;<sup>3</sup> but where he knew the most miserable system of government at this moment prevailed that ever disgraced the annals of Europe. He dwelt on the destruction of the Establishment of the French Church as a circumstance peculiarly shameful and scandalous, those who had compared *the Church of Rome to the Whore of Babylon, the Kirk of Scotland to a kept Mistress, and the Church of England to something between a Prostitute and a Modest Woman*,<sup>4</sup> would probably, he said, be preaching up the same doctrines to their congregations, while the rising race of Dissenters were probably imbibing those principles so pernicious in themselves, and so dangerous to the safety of the Established Church of this Country; and how could he tell but that it would end in the acting the same shameful scene, respecting the plunder of the wealth and revenues

<sup>1</sup> It is hard to see why, assuming that he read the book with any attention, Burke chose *The Protestant Dissenter's Catechism* by Samuel Palmer (1741–1813), published in 1772 and frequently reprinted. Palmer, an Independent minister at Hackney, was in the mainstream of moderate Dissent. He had been chairman of a meeting of London Dissenting ministers, who, while calling for the repeal of the Test and Corporation Acts, had professed their loyalty to 'the principles of our happy constitution as defined by the Revolution' and to the 'House of Brunswick' (*Gazetteer*, 24 Dec. 1789). His *Catechism* was conciliatory in its language about 'worthy members of the established church'. Dissenters, he urged, should be grateful to 'their civil governors' for the privileges which they enjoyed and should take 'no steps towards a further reform, but on the contrary endeavour to keep things as they are', while expressing their dissent (*Catechism*, 1794 edn., pp. vii. 93–4).

<sup>2</sup> Burke is referring to Robinson's *A Plan of Lectures*.

<sup>3</sup> Fox had said that 'what had been done in France . . . neither merited contempt nor ridicule, but was highly praise-worthy, as the French were recurring to original principles, to obtain the rights of man'.

<sup>4</sup> Burke seems to be referring to Robinson, who in his *Plan of Lectures* had called Presbyterianism 'a kept mistress' (p. 38).

and the accompanying demolition of our Church, as it had done in the case of the Church of France? Mr. Burke observed, that a hint of the use to which the wealth of our Church might be appropriated, had been given, during the American war, by the Duke of Richmond in the House of Lords, when a Bishop was speaking in favour of that War, the Duke in reply, mentioned the millions the War had cost the Country, and said, as money must be had, the Country knew to whom they might resort for it. His Grace therefore advised the Bishops to beware what conduct they pursued.<sup>1</sup> Mr. Burke considered this as a suggestion which the Dissenters might, on a new hint, improve on, and thence induce the mob to view the wealth of the Church, as a better object than the bribes of election candidates. After much argument on these points, Mr. Burke produced the books of catechism, of one of which, (a political catechism) he read the title with an entry from the general meeting at Harlowe, (where all the Dissenters of that division assemble) declaring their approbation of the work, and their resolution to circulate and recommend it in their division.<sup>2</sup> Mr. Burke read also two or three passages pointed directly at the Church Establishment. Having laid great stress on these, he produced a letter which, he declared, had only come to his hands the preceding day, written by Mr. Fletcher, a Dissenter, from a meeting of Dissenting Ministers, held at Bolton in Lancashire. Mr. Fletcher stated in his letter, that the meeting avowed such violent principles, that he would not stay, but came away with some other moderate men. It described, that one member, on being asked, What was their object, and whether they meant to seek for any thing more than the Repeal of the Test and Corporation Acts, answered, in the language of our Saviour, "We know those things which ye are not yet able to bear."<sup>3</sup> And on another member's saying, "give them a little light into

<sup>1</sup> Burke is quoting from Priestley, see below, p. 315. No report of Richmond's speech has been located. On 17 March 1778 Lord Shelburne had suggested that funds for the war might be raised by lopping 'those drones of society, the church benefices . . . the golden prebends, and those church officers, who having no parochial connection lived a life of idleness' (*Parl. Hist.*, xix. 925).

<sup>2</sup> Robinson's *A Plan of Lectures* had been commended by the Eastern Association of Baptists meeting at Harlow in Essex in 1778. Later in the debate, William Smith (1756–1835), a Dissenting M.P., had told the House that Robinson 'was a man of very extraordinary ability, but a very eccentric man, and a man by no means looked up to by the Dissenters as a person qualified to lead them as a body, though a man of very fair character. With regard to the Eastern Association, Mr. Smith said he had never heard of it, which was rather extraordinary, as he had for the last five years been in possession of a house within two miles of the place.'

<sup>3</sup> 'I have yet many things to say unto you but ye cannot bear them now', John 16: 12.

what we intend," informed him, that *they did not care the nip of a straw* for the repeal of the Test and Corporation Acts, but that they *designed to try for the abolition of the Tythes and the Liturgy*.<sup>1</sup> Mr. Burke descanted on this for some time; he then mentioned Dr. Priestley's declaration, "that he hated all Religious Establishments, and thought them sinful and idolatrous,"<sup>2</sup> and he produced a letter of Dr. Priestley's in which the Doctor talks of a train of gunpowder being laid to the Church Establishment, which would soon blow it up, if the danger were not avoided by the friends to the Establishment; the Doctor adds, and if that danger were avoided and they refused to repeal the Test and Corporation Acts, the Establishment would soon tumble about their ears.<sup>3</sup> After paying Dr. Priestley all the compliments due to a man of his acknowledged literary

<sup>1</sup> Thomas Plumb (see MS. at Sheffield, Bk. 1. 2212–2) had sent Burke a printed letter *To Thomas Plumbe Esq; Chairman of the Bolton Committee, February 18<sup>th</sup> 1790* by Samuel Fletcher, an Independent from Bolton, describing a meeting of Dissenters held at Warrington on 4 February 1790 to campaign against the Test and Corporation Acts. Fletcher was dismayed that the meeting espoused objectives far beyond the repeal of the Acts. He alleged that the chairman, the Unitarian radical Thomas Cooper (1759–1839), had said that 'it was neither reasonable nor scriptural' to make their objectives known, but that he himself would not give 'the nip of a straw for the REPEAL' on its own. Another minister, who has been identified as Joshua Toulmin (1740–1815), was said to have declared that 'Their intentions were to remove the Liturgy from the Church, and abolish the Tithes'. Cooper published a letter to Burke in which he contested the reported statements, but accepted that the repeal of the Test and Corporation Acts was not the limit of what Dissenters should aim for. They should seek further gains, such as toleration for those who denied the doctrine of the Trinity (*Gazetteer*, 10 Mar. 1790; see also W. R. Ward, *Religion and Society in England, 1790–1850*, London, 1972, pp. 22–3).

<sup>2</sup> If this is a specific quotation from the Priestley's writings it has not been located, but it is certainly representative of his recently expressed views: he considered the Church of England to be idolatrous and was committed to doing all he could to bring about 'the utter downfall of all religious establishments'.

<sup>3</sup> At this point the *Diary* added in a footnote extracts from which Burke was quoting from the Preface of Priestley's *Letters to the Rev. Edward Burn, of St Mary's Chapel, Birmingham*, 1790. These extracts had apparently been made by Birmingham Anglicans and circulated to the bishops and to all M.P.s (J. Hobson, *An Appeal to the Common Sense and Common Honesty of every Inhabitant of Birmingham*, Birmingham, 1790). A copy heavily annotated by Burke is in MS. at Sheffield, Bk. 27. 179. "On this Account I rejoice to see the Warmth which the Cause of Orthodoxy (that is of long-established Opinions, however erroneous) and that of the Hierarchy is now taken up by its Friends. Because, if their System be not well founded, they are only accelerating its destruction. In fact, they are assisting me in the proper disposal of these grains of gunpowder, which have been some time accumulating, and at which they have taken so great an Alarm, and WHICH WILL CERTAINLY BLOW IT UP AT LENGTH; and perhaps as suddenly, as unexpectedly, and as completely, as the overthrow of the late arbitrary Government in France. If an inhabitant will not submit to a thorough examination and reasonable repairs, of the Building he occupies, the Consequence must be that, without Gunpowder, or even a high Wind, it must some Time or other fall, and happy may he think himself if he can escape unhurt from the Ruins. If this should be the case with the Church of England, the Clergy cannot say that they have had no Warning. They are labouring for its Destruction much more than I am. If I be laying Gunpowder, they are providing the Match, and their part in the business seems to be in greater forwardness than mine.

What a contrast is now exhibited between the two rival nations of France and England, and how may Englishmen blush to look upon it.

abilities,<sup>1</sup> Mr. Burke animadverted with great pointedness on the doctrine contained in the letter just read by him, which he considered as a serious indication on the part of Dr. Priestley, at least, of a determination to proceed step by step till the whole of the Church Establishment was levelled to its foundations. Having with all his powers of ingenuity painted this in the most forcible colours, Mr. Burke lastly produced Dr. Price's Sermon,<sup>2</sup> whence he read an extract; he commented upon it with great severity, and complimented his Right Honourable Friend on the handsome way in which he had been liberal enough to treat a composition that deserved so little at his hands. He agreed with Mr. Fox that the Church and the Pulpit ought to be kept pure and undefiled, and that politicks had no business to be adverted to in either.<sup>3</sup> With equal propriety might theological discussions, he said, be taken up in that House, and questions solely

A further foolish and unjust war, like that with America which was chiefly urged by the Clergy (and such another, if the Court proposes, the Clergy will certainly second) can hardly fail to bring their affairs to a crisis.\* If they be wise, they will consider the *Signs of the Times*, and be very temperate in all their proceedings. *Fas est et ab hoste doceri*. [One should learn even from one's enemies; Ovid, *Metamorphoses*, iv. 428].

Let them take Care lest, by too vigorously resisting our Application for what was never intended to hurt them, and what in itself cannot possibly hurt them, they should, by their own violence do themselves the most serious evil. I have always been an avowed enemy of all *civil Establishments of Christianity*, but many Dissenters are not so, I foresee, however, that they soon will be, and that by Means of these Discussions, the Sentiment will become more general, in the Nation at large. It begins to be adopted even by the Catholics.

*The Utility of ecclesiastical Establishments* is a Question that it behoves the Clergy always to keep out of sight as much as possible. But their Rage against the Dissenters will *obtrude* it on the Publick, and in Consequence of this, if they proceed as they have begun, I should be sorry to insure their System twenty Years longer. Whether I be more pleased, or displeased with their present violence, let them now judge. The greater their violence, the greater is our confidence and final success.

If any Person, whose Eye it may catch (the *Preface*) take an useful Hint from it, it will be well; but an old and true Proverb says, "*Experience keeps a dear School, but Fools will learn at no other.*" Nations and all great bodies of men are generally in this situation. They will learn very little except in this dear School."

\*When I was attending a Debate in the House of Lords in the Course of the American War, and one of the Bishops was taking the Part of the Minister in it, the Duke of Richmond suddenly rose, and bade the Bishops *beware of War*. "War", said he, "is attended with Expence; and if we be distressed, and must have Money, we know where we may get it." Indeed, the Addition of one hundred and fifty Millions to the National Debt, occasioned by that War (which may be called a War of the Court and of the Clergy), I consider as a great Step towards the Destruction of the Hierarchy. How powerful an instrument of reformation a heavy national Debt may be, we see in a late glorious Revolution in France. May all great *evils* produce as great a *good*.

<sup>1</sup> Burke was an old acquaintance of Priestley and an admirer of his scientific achievements. After Burke had visited him at Birmingham in 1782 he was reported to have described him as 'the most happy of men and most to be admired' (*Corr.* v. 54). As late as September 1789 Burke had advised Fox that Priestley's political influence should be cultivated, since he was 'a very considerable Leader among a Set of Men powerful enough in many things, but most of all in Elections' (*Corr.* vi. 15).

<sup>2</sup> In *Discourse on the Love of our Country*, delivered on 4 November 1789, Price had condemned the Test Act as an iniquity.

<sup>3</sup> Fox had said that he approved of 'the general principles' of Price's address, but that he considered that 'the arguments would have with more propriety have made part of his speech, than of a sermon from a pulpit. He argued forcibly for Religion and Politics being ever kept separate.'



religious be debated there. From the proofs he had adduced, consisting of the extract from Dr. Price's Sermon, the letter of Dr. Priestley, the avowed language of that Divine relative to religious Establishments in general, the Catechisms of Mr. Robinson and Mr. Palmer, and the letter of Mr. Fletcher, he drew this inference, *viz.* that the leading preachers among the Dissenters were avowed enemies to the Church of England; that they acknowledged their intentions, and that thence our Establishment appeared to be in much more serious danger than the Church of France was in, a year or two ago. Mr. Burke reminded the House, that nothing could have been to all appearance more safe and secure, than the hierarchy of France at a very short period since; every thing, therefore, that fell far short of the present danger of the Church of England, ought to be regarded as a symptom of serious apprehension, and to challenge new caution and additional care. He said, he could not admit that his Right Honourable Friend had with any sort of justice, ascribed the fatal incidents that had attended the Church of France, plundered and demolished in so disgraceful a manner, to the punishment which Providence, in its wisdom had allotted for the wickedness and cruelty of the French Government evinced in the revocation of the Edict of Nantz.<sup>1</sup> Such an idea was chimerical and profane. Was it consistent with the justice of Providence to punish Louis XVI. for the crime of Louis XIV? As well might it be argued, that the danger that now threatened the Established Church of England was a punishment inflicted by the hand of Providence on this country for the persecutions of Laud,<sup>2</sup> Bishop Whitcliffe<sup>3</sup> and all the horrid cruelties, burnings, and murders, perpetrated under pretence of religious zeal in distant periods of our history! Mr. Burke complimented the Right Honourable Gentleman<sup>4</sup> over the way on the laudable attention he had shewn to the preservation of our religious establishment. It was, he said, peculiarly the duty of any Member of that House, standing in the Right Honourable Gentleman's situation, to guard with anxious care an object so intimately connected with the State as the Church of this country, and the Right Honourable Gentleman had discharged this duty with great zeal and great ability. That House also had the same duty imposed on them; they

<sup>1</sup> Fox had speculated that the French church was now 'expiating' through the measures being taken against it for 'that very intolerance' which had produced in 1685 the Revocation of the Edict of Nantes of 1598, under which French Protestants had enjoyed toleration. This was a warning to the Church of England not to be 'intolerant' (*General Evening Post*, 2-4 Mar. 1790).

<sup>2</sup> William Laud (1573-1645), Archbishop of Canterbury under Charles I.

<sup>3</sup> John Whitgift (1530-1604), Archbishop of Canterbury under Elizabeth I.

<sup>4</sup> Pitt had proclaimed his opposition to repealing the acts.

were equally bound to watch over the Church with due and constant attention, and this appeared to be a moment peculiarly requiring their interference. Had the Question been brought forward ten years ago, Mr. Burke said, he should have voted for the Repeal.<sup>1</sup> At present a variety of circumstances made it appear imprudent to his mind to meddle with it. For the Dissenters, as a body, he entertained great esteem. There were among them many worthy and most respectable individuals. If they would come fairly forward, he would meet them, and let their actual desire and meaning be ascertained, he for one should be glad to sift their object, and if it were such as a rational Legislature could safely grant, he, at least, should have no objection. With several Dissenters he had long lived in the greatest intimacy and happiness. Indeed they were among those of his friends whom he valued most highly, but at present, if the Test and Corporation Acts were repealed, some other Test ought to be substituted; the present he had always thought a bad and an insufficient Test to its end. He was convinced that it was an abuse of the Sacramental Rite, and the Sacramental Rite was too solemn an act for prostitution.<sup>2</sup> Where conscience really existed, he said, it ought not to be wounded. By wounding a man's conscience, they annihilated the God within him (if he might be allowed so to express it) and violated him in his sanctuary. He professed himself ready to grant relief from oppression to all men, but unwilling to grant power, because power once possessed was generally abused. He declared he had a draft of another Test in his pocket,<sup>3</sup> and he had formed an idea of moving the Previous Question,<sup>4</sup> with a view afterwards to move for a Committee to examine into

<sup>1</sup> Burke had said in the previous year that he would have voted for repeal had he been able to attend the debate, see above, p. 307, n. 1.

<sup>2</sup> The Corporation Act of 1661 (13 Car. II, Stat. 2 c. 1) stipulated that those elected to corporations must have taken 'the Sacrament of the Lords Supper according to the Rites of the Church of England' within a year before their election. Under the Test Act of 1673 (25 Car. II, c. 2) office-holders were required to take the Sacrament within three months after their appointment.

<sup>3</sup> 'The following is a copy of the Test which Mr. Burke wished to have substituted in the room of what was intended to be repealed: "I *A. B.* do in the presence of God, sincerely profess and believe that a religious establishment in this state is not contrary to the law of God, or disagreeable to the law of Nature, or to the true principles of the Christian religion, or that it is noxious to the community; and I do sincerely promise and engage, before God, that I never will, by any conspiracy, contrivance, or political device whatever, attempt or abet others in any attempt to subvert the constitution of the church of England, as the same is now by law established, and that I will not employ any power or influence, which I may derive from any office corporate, or any other office, which I hold, or shall hold, under his majesty, his heirs and successors, to destroy or subvert the same; or, to cause members to be elected into any corporation, or into parliament, or into any office, for, or on account of their attachment to any other, or different religious opinions or establishments, or with any hope that they may promote the same to the prejudice of the established church, but will dutifully and peaceably content myself with my private liberty of conscience, as the same is allowed by law. So help me God."' ( *Parl Hist.*, xxviii. 441-2)

<sup>4</sup> This would have closed the debate.

the conduct of the Dissenters, the doctrines respecting the Established Church that they had recently avowed, and all that part of their conduct, to which he had adverted, as matter of establishable fact, and not of vague or wild assertion. Mr. Burke said, he was desirous of proceeding regularly and with a due regard to parliamentary forms. He did not wish the House to rely on his facts before he had established them by proof, of which he knew them to be capable. If, however, they should, upon investigation, not appear to be founded, he would hold himself bound to vote for the Repeal of the Test and Corporation Acts. Mr. Burke said he would be entirely guided by the House; if they should think the best way of laying the Question at rest, would be by coming to a vote upon the motion, he would submit. [A loud cry of *hear! hear!* by way of approbation of that mode.] But if the House should be of opinion, that it would be better to move the Previous Question on the present motion, and institute a Committee, so as to afford the Dissenters an opportunity of refuting what he had asserted (which he owned he himself thought the most eligible mode of proceeding) he would pursue that. Mr. Burke, in the course of his speech, illustrated and enlivened his argument by much brilliant expression, pertinent allusion, and striking observation. Among other examples to provoke the caution of the House, he instanced Lord George Gordon's mob, and the dangers that were then likely to have ensued under a blind idea that they were acting in support of the Established Religion, when they were endeavouring to enforce the most intolerant persecution, had nearly levelled the Constitution in Church and States, the rabble having surrounded that House, and created a most serious alarm least the national credit should be destroyed by their demolishing the Bank.<sup>1</sup> In a less important part of their conduct also they had markedly described their drunken folly and irrational conduct, by selecting the Judges and Bishops for the peculiar objects of their vengeance. Mr. Burke dwelt on this event as one that ought to stimulate to caution in the present circumstances, and after adding a great variety of observations that we have not even time to hint at, concluded a very able, eloquent and striking speech with again declaring, that he should be governed by the House, but would not vote against the Motion, although he did not think this a fit moment for such a Motion to be put.

<sup>1</sup> Burke is referring to the nominally anti-Catholic Gordon Riots of June 1780, instigated by the Protestant Association led by Lord George Gordon (1751–93). He had witnessed the riots at first hand, subjecting himself to real danger in doing so, and was frequently to invoke them as a warning against how disorder in Paris could be replicated in London.

Burke left the House shortly after he had spoken, 'much exhausted with the heat' of a crowded House, as one reporter surmised,<sup>1</sup> but almost certainly because he did not want to vote against those who in 1792 he was still calling the 'sober and well meaning conscientious dissenters'.<sup>2</sup> Fox spoke at length in answer to Burke, even though he was not there to hear what he said. Burke's speech, Fox said, had 'filled him with grief and shame'. But 'mortified as he had been by the speech of his Right Honourable Friend, he had received this Consolation, at least from it, that there was not a single principle that he had laid down that his Right Honourable Friend had not in the course of his speech avowed'. Burke, in his view, 'had built his speech on suspicions, invectives, and pamphlets, and anecdotes, which he had embellished with that eloquence and with all those charms of oratory' that were inseparable from his speeches. From a 'confused and mistaken idea of what had passed in Paris', Burke 'suffered himself to be led astray by his feelings'. The wisest policy, Fox believed, was to 'Separate the Dissenters, and break their union; abandon those who are unreasonable, and grant to such as are moderate, . . . all they require'. Amidst allegations that many M.P.s who might have been favourable to the Dissenters had been leant upon by the administration or by their constituents responding to militant Anglican pressure, the motion to repeal the acts was heavily defeated by 294 votes to 105.

## Speech on Catholic Relief Bill

1 March 1791

Source: *Parl. Hist.*, xxviii. 1369–72, 1375.

The fullest newspaper report of the debate seems to be that in the *Diary*, 2 March 1791. This was reproduced in *Parl. Reg.*, xxviii. 467–9, 471–2. While the version in *Parl. Hist.* seems to be based on that account, it has large additions from an unknown source.

English Roman Catholics had been given a measure of relief in 1778 from the penalties to which they had been liable under statutes going back to the reign of Elizabeth I. Most of the penal provisions against Catholics, however, remained unrepealed, and though they were rarely enforced, Catholics complained that they had 'no civil or religious existence. They continued to live by sufferance'.<sup>3</sup> In May 1787 a meeting of Catholics appointed a committee to protect and promote their interests. The committee called themselves Protesting Catholic Dissenters. They meant by this that, while they dissented from the established Anglican church, they were willing to commit themselves to a protestation renouncing doctrines imputed to Catholics, such as the duty incumbent on them to murder rulers excommunicated by the Pope or that they were absolved from keeping faith with heretics. Warmly encouraged by the Pitt administration but opposed by the papal Vicars Apostolic and some other Catholics for usurping an authority that did not belong to the laity, the committee prepared a bill for further relief.<sup>4</sup> After long delays, leave to bring in the bill 'to relieve upon certain conditions, and under restrictions, persons called Protesting Catholic Dissenters, from certain penalties and disabilities' was moved for on their behalf on

<sup>1</sup> *Gazetteer*, 4 Mar. 1790.

<sup>2</sup> *Corr.* vii. 119.

<sup>3</sup> *A Letter Addressed to the Catholics of England by the Catholic Committee*, London, 1792, p. 3.

<sup>4</sup> See *Commons Sessional Papers*, lxxix. 147–58. A copy of Heads of a Bill To Relieve upon Conditions and under Restrictions, Persons called *Protestant Catholic Dissenters* is in MS. at Northampton, A. xxiv. 27.



21 February 1791 by John Mitford.<sup>1</sup> It was welcomed on all sides of the House and referred to a Committee of the Whole House, where it was debated on 1 March.

Whereas concessions to Dissenters had been bitterly opposed, all shades of political opinion supported relief for Catholics. Burke seconded the motion for leave to bring in the bill and spoke warmly in its support. He had strongly supported the 1778 Relief Act and had taken an unflinching stand against the wave of anti-Catholic feeling unleashed by the act, spectacularly demonstrated by the Gordon Riots in London in 1780, but also, he believed, rife in his then constituency of Bristol.<sup>2</sup>

Mr. *Burke* said he perfectly agreed with his right honourable friend, as to the propriety of relinquishing the amendment,<sup>3</sup> if it should not appear satisfactory, since the way to prevent a failing of a desired end was, to accept the smaller good where the greater was not obtainable. The surest mode of remedying grievances was, to proceed moderately and to do away a little at a time, rather than attempt to cure them all at once. Such violent changes were dangerous, and like a lever swung back at a single stroke from the place from whence it set out. He should, therefore, rather think it wiser to repeal the laws complained of so justly, by piecemeal than all at once. Men ought to be relieved from their prejudices by degrees. The doctrines asserted by his right honourable friend in his speech, though he could not subscribe to all of them,<sup>4</sup> did the highest honour to his head and heart.<sup>5</sup> But he could not agree with his right honourable friend, that a state was not empowered to inquire into the religious opinions of all who lived under its protection.<sup>6</sup> It had an uncontrollable superintending power over those opinions, and it was highly necessary for the prosperity, the safety, the good morals, and the happiness of the community, that it should have such a power. Opinions influenced the passions, and the passions governed the man; it was a natural effect, proceeding from a natural cause.

Quicquid agunt homines, votum, timor, ira, voluptas,  
Gaudia, discursus, nostri est farrago libelli.<sup>7</sup>

<sup>1</sup> (1748–1830), later (1802), 1st Baron Redesdale.

<sup>2</sup> *Speech at Bristol Previous to the Election*; vol. iii, pp. 638–62.

<sup>3</sup> Fox had proposed an amendment that the words 'and others' should be added, so that the concessions should extend to all Catholics. He was, however, willing not to press the point.

<sup>4</sup> 'Toleration in Religion', Fox had said, 'was one of the great rights of man, and a man ought never to be deprived of what was his natural right.'

<sup>5</sup> Other reports stressed even more strongly Burke's conciliatory language towards Fox: '... here he took an opportunity to express his regret when the most trivial differences of opinion happened between his Right Honourable Friend and him' (*Morning Chronicle*, 2 Mar. 1791).

<sup>6</sup> Fox had asked '... who gave them the right to decide upon religious opinions, and by what model could they ascertain which opinions were right and which wrong?' Burke was strongly to emphasize the right and the duty of the state to regulate religious beliefs in his speech on the Unitarians' petition, see below, pp. 489–93.

<sup>7</sup> Everything humanity does, its hope, fear, anger, pleasure, joy, going to and fro are the medley of my little book: Juvenal, *Satires*, i. 85–6.

and so long as such was its operation, it was the interest and the duty of government to maintain and exercise it. But then, its exercise should be governed by virtue and wisdom, which alone could regulate a good government, the conduct of which should be always marked by candour and temperance.—Mr. Burke, next proceeded more immediately to the subject of the laws against Roman Catholics, and began by stating, that in the preamble to the 27th of queen Elizabeth, danger to the state was the plea made use of, and instead of any religious or moral purpose being assigned as the ground-work of the statute, it was in so many words declared, that the act was passed solely for the suppression of a dangerous faction in the state; and, therefore, all the severities against the Roman Catholics which that bill contained were enacted into a law, and had so continued.<sup>1</sup> Were the preamble founded, and the plea true, had he been to pass that bill, he should have voted for it, as the state must be preserved for the good of the whole. The first and dearest object to every individual, was self-preservation, and, in like manner, must legislators regard the preservation of a state. But, at this time at least, no man thought of any danger from the machinations of the pope. Why, then, should a danger be pretended which did not exist, and pretended merely for the sake of persecution? But if vulgar prejudice must, at all events, be satisfied (said he), why was not the oath proposed to the Roman Catholics in 1778 sufficient for that purpose?<sup>2</sup> Why should we heap oath upon oath, as if we wished, at all events, to pick a quarrel with our Roman Catholic brethren?<sup>3</sup> Did not this look like the effects of that “green-eyed monster” jealousy,<sup>4</sup> whose suspicions it was utterly impossible to remove? He affirmed that the Roman Catholics who did not protest, were as good subjects as any in the kingdom. He had seen several printed papers of theirs, in which they had very ably defended their cause; and he did not doubt but that they would come forward with some proposal which would reconcile them to their brethren who did protest, and both

<sup>1</sup> The preamble of the act of 1585 against Jesuits and Seminary Priests stated that the act was needed to prevent them from trying to induce the Queen's subjects to renounce their ‘due obedience’ and from stirring up ‘sedition, rebellion, and open hostility’ within the realm.

<sup>2</sup> Under the 1778 Relief Act (18 Geo. III, c. 60) Catholics had to swear their loyalty and abjure the Pretender and claims that the Pope exercised temporal authority over Britain.

<sup>3</sup> Catholic opponents of the Protesting Dissenters objected to the oath proposed in the bill, but were happy for the 1778 oath to remain in force.

<sup>4</sup> Shakespeare, *Othello*, III, iii. 171.

to us.<sup>1</sup> He had not lately heard, that the pope was preparing a crusade to invade us; nor was his holiness now supposed to be very active in either rebellions or revolutions. Had the revolution in America been occasioned by his holiness sending bulls and absolutions to discharge and absolve the Americans from their allegiance? He had never heard that any persons, who could have been supposed to have been sent by the pope, went to America, except only in one ship, which reached Philadelphia; neither had he heard that, they had made many proselytes in America.<sup>2</sup> He would confess that this country had, from the most early times, sustained much injury from the sovereign pontiffs of Rome. A certain Roman pontiff, called Julius Cæsar, had invaded this country,<sup>3</sup> and reduced to slavery a large portion of our ancestors. The more modern Roman pontiffs, under the appellation of popes, had also very much oppressed our forefathers; but their power had vanished for ever. The pope, he believed, had no share in any of the late revolutions in Europe; and as to this country, he supposed no person now thought that the pope would come and pay us a visit. There was no pretender,<sup>4</sup> it was well known; and the pope, politically speaking, was as dead as the pretender, or as dead as pope Julius Cæsar. Other popes had attempted to come here since, as pope Claudius,<sup>5</sup> but he did not succeed. Pope Domitian<sup>6</sup> and pope Nero,<sup>7</sup> visited us by their legates, and in the reign of king John, legate Pandulphus came over, and did us as much mischief as the best of them.<sup>8</sup>—After raising some hearty laughs at the emperors of Rome, considering them as popes, Mr. Burke at length came to state some of the extreme severities inflicted by the acts that were yet unrepealed; such as its being high treason either to hear a mass, or have a mass book in the House, although the law, in the first instance, prevented our understanding

<sup>1</sup> Encyclical letters of the Catholic Vicars Apostolic condemning the Protesting Dissenters' proposals had been published (see *Original Papers, relative to the Present Application to the British Parliament for Relief of the Roman Catholics in England*, Dublin, 1791, pp. 58–72) and a number of pamphlets had appeared arguing against them. Burke had met John Milner (1752–1826), who was leading the opposition to the proposed oath (B. Ward, *The Dawn of the Catholic Revival in England 1781–1803*, 2 vols., London, 1909, i. 269).

<sup>2</sup> It is not clear what the ship was to which Burke referred. There was a Catholic community with its own parish church in Philadelphia from 1763 and it has been estimated that there were some fifty Catholic congregations in America in the 1780s to whom a bishop was appointed in 1789.

<sup>3</sup> In 55 and 54 BC.

<sup>4</sup> Charles Edward Stuart (1720–88), 'the young pretender', had died on 31 January 1788.

<sup>5</sup> The emperor Claudius (10 BC–AD 54) had invaded Britain in AD 43.

<sup>6</sup> The conquest of Britain was extended in the reign of the emperor Domitian (AD 51–96).

<sup>7</sup> The revolt of Boudica in AD 60–1 took place in the reign of the emperor Nero (AD 37–68).

<sup>8</sup> Pandulph (d. 1226) was papal legate in England between 1211 and 1221, obtaining the submission of King John (1166–1216) to the Papacy in 1213.

it.<sup>1</sup> He enumerated other offences, and reasoned, for a long time, on the cruelty of hanging, drawing, and quartering persons (for hanged, drawn, and quartered, he said, they had been, in Charles 2nd's time) for offences arising out of mere religious opinion. He particularly ridiculed all ideas of danger to the state, either from the power of the pope, or the machinations of the papists in this kingdom. He was likewise very successful in his irony upon the doctrine, that much was to be feared from the pope's power to relieve papists from all allegiance to government, and every other scruple of conscience, by his dispensing and absolving power. He was of opinion, that, in the many rebellions which he had heard of, and other acts where a scrupulous conscience might be supposed to interfere, and deter the principal actors on those scenes, that they had assumed the dispensing power into their own hands, and that the pope had very little to do in the matter. Mr. Burke then, at some length, entered into the history of past ages, and the progressive state of different governments down to the present. The theory of toleration, from its widest extent, and through all its limitations, he argued fully, and with nice discrimination. With respect to these vindictive statutes, he observed, that such laws were not made for the safety of the state, but for the purposes of civil tyranny. They enabled men to oppress their neighbours and to rob them of their goods.<sup>2</sup> They were calculated to make a man not love his neighbour; and he who loved not his neighbour would not love the state. It was the duty of every government to make the people happy; but that could not take place when every justice of the peace was made an inquisitor, and a man, for worshipping God in his own way, might be condemned for high treason.<sup>3</sup> After this Mr. Burke proceeded to argue and discuss the question on various grounds, particularly with a view to tender and scrupulous consciences with his usual ability and discrimination.

<sup>1</sup> There is a list of 'Penalties which still remain after the repeal . . . of the act of K. William', which included a fine of 100 Marks or a year's imprisonment for hearing the Mass, in MS. at Sheffield, Bk. 27. 205. For a full statement of the laws still in force against Catholics, see 'The Case of the English Catholic Dissenters', appendix to *A Letter to the Author of the Review of the Case of the Protestant Dissenters*, London, 1790, pp. 56-66.

<sup>2</sup> In his *Speech at Bristol Previous to the Election* Burke had argued forcefully that while the government did not wish to enforce the laws against Catholics, a 'mercenary informer' could bring accusations of breaches of the laws for his own advantage. Thus Catholics 'live at the mercy of every individual; they are at once the slaves of the whole community' (vol. iii, p. 643).

<sup>3</sup> Catholics protested that any man 'who in sport or malice chuses to torment us' could bring them before 'a reluctant magistrate' who 'cannot refuse to tender to us these oaths, which if we decline taking, as we ever have done, we become recusants convict, are liable to enormous fines, to imprisonment, are out of the protection of the laws, and may even be compelled to abjure for ever our native land' (*Letter to the Author of the Review*, p. 18).



Pitt followed Burke. He said that he thought that the House was in favour of relief for Catholics, but added that he could not agree with Burke 'to the extent of the principle which he had laid down'.

Mr. *Burke* said that as the right honourable gentleman had declared he differed both from him and from his right honourable friend;<sup>1</sup> perhaps as he had not stated in what the difference lay, he might conceive that he (Mr. Burke) from what he had said relative to the preamble of the 27th of Elizabeth, meant to maintain and defend that preamble. Mr. Burke restated his argument as far as it related to that preamble, and reasoned upon it as a proof that a plea was given in it, which had it been founded would have been a good one. He next adverted to the general principle he had laid down, to which he adhered; but declared that he should nevertheless advise the more lenient way of carrying such principles into execution.

Pitt explained that he disagreed with Fox that a state had no right to regulate religious opinion and with Burke that it had an 'uncontroled superintending right in *all* cases and on *all* occasions'. After further expressions from speakers that it would be desirable to include all Catholics in any legislation, Mitford's motion was agreed to without a division. Amended in both the Commons and the Lords, it received the royal assent on 10 June 1791. The act made no provision for Catholics to vote, to be elected to Parliament, or to hold offices of state;<sup>2</sup> these were concessions for which the committee felt it would have been impolitic to seek. Such matters were not to be resolved until 1829.

## Speech on Quebec Bill

### 6 May 1791

Sources: *Diary*, 7 May 1791 and *Morning Chronicle*, 7 May 1791.

A clash between Burke and Fox in the debate on 6 May was eagerly anticipated and so extensive press coverage was certain. What transpired surpassed anticipation. It was, one paper claimed, 'a Political Contest, the most extraordinary, perhaps, in its nature of any on the records of Parliament' (*Oracle*, 7 May 1791). Printers therefore apologized to advertisers and correspondents for clearing space to give full accounts of it. The most extensive were in the *Diary*, the *Morning Chronicle*, apparently reproduced in the *Star*, and in the *Oracle*, all on 7 May (the *Diary* published on 9 May 1791 a number of amendments necessitated by the 'extreme hurry' in which the original 'sketch' had been written). The version in *Parl. Reg.*, xxix. 318-22, 323, 323-4, 324-5, 327, 329-30, 335-41, 347-50 was compiled from the *Diary* and the *Morning Chronicle*. *Parl. Hist.*, xxix. 364-8, 369-70, 370-1, 372-3, 374, 380-8, 395-8 follows *Parl. Reg.*, with a number of small amendments. The text that follows has also been constructed from the versions in the *Diary* and of the *Morning Chronicle*. What Burke said in the first part of the debate is taken from the *Diary*. His two major contributions following the formal motion of order in the later stages of the debate (pp. 338-50) are taken from the *Morning Chronicle*. The long

<sup>1</sup> Fox.

<sup>2</sup> 31 Geo. III, c. 32.

account in the *Oracle* differs significantly from both the *Diary* and the *Morning Chronicle*; excerpts from it are given in footnotes.

As late as the debate on the Catholic petition on 1 March, Burke and Fox were anxious to make light, at least in public, of any differences between them. Within a few weeks, however, Burke was determined to bring their differences into the open by confronting Fox in the Commons on the French Revolution. He chose to do so on an important piece of legislation, the Quebec or Canada Bill, which was to provide for the future government of Britain's major remaining North American colony. Letters written by Burke's son and later by Burke himself indicated that words of extravagant praise of the French Revolution used by Fox on 15 April in a debate on a crisis in British relations with Russia<sup>1</sup> were the immediate trigger that, he felt, compelled him to act. That was decisive evidence for him that Fox had been captured by lesser men of bad principles and even that a public statement praising the Revolution was the condition of their support for him.<sup>2</sup> Fox had apparently told Burke before the debate that on the French Revolution he spoke 'the sense and by the desire of the party, at least of a considerable majority of those who compose it in both houses and of nine-tenths of those who are considered to belong to it out of doors'.<sup>3</sup> Burke felt that he must express his dissent. To limit the damage to the party, some of its leaders, while accepting that Burke could not be deflected, hoped that Fox might be persuaded not to respond. This was not to be. For all his effusions of grief at breaking with Burke, Fox was unrepentant on the issues of principle and resented Burke's tactics, suspecting, not without some foundation, that Burke was being encouraged to smear him as a republican by Pitt and his colleagues.<sup>4</sup> He was to respond with vigour and in a way that Burke found unforgivable. Burke particularly resented what he interpreted as a deliberately planned attempt to rake over his whole career for the purpose of demonstrating totally misleading inconsistencies between his previous reforming beliefs and his allegedly unyielding defence of the status quo in the *Reflections*. He was to go to great pains to refute any such charges later in the debate, when it was renewed on 11 May,<sup>5</sup> and in much of the *Appeal from the New to the Old Whigs*.<sup>6</sup>

Burke had tried to make an immediate response to Fox's speech of 15 April but had been prevented then from speaking by clamorous calls for the question to be put. So he chose the committee stage of Quebec Bill as an appropriate occasion. As events were to show, he was vulnerable to being called to order both for trying to introduce matter irrelevant to Quebec and for breaking procedural rules by making statements of general principle when the business before the House concerned the detailed examination of the bill's clauses. Nevertheless, he had given warning on 21 April that 'it was his intention to give his opinion on certain principles of government at the proper moment in the future progress of the bill'.<sup>7</sup> When the bill came before a Committee of the Whole House on 6 May, in an atmosphere of keenly anticipated drama, he was the first speaker after the chairman of the Committee had moved that 'the clauses of the Bill be read paragraph by paragraph'.

Mr. *Burke* rose and observed, that when the Bill was formerly under discussion, some Members had expressed their apprehensions that when that subject came again to be considered, there would be some necessity for calling other Members to Order, on account of the extraneous Foreign

<sup>1</sup> See below, p. 348.

<sup>2</sup> *Corr.* vi. 254, 273.

<sup>3</sup> *Corr.* vi. 248.

<sup>4</sup> See Mitchell, *French Revolution and Whigs*, pp. 161–2.

<sup>5</sup> See below, pp. 353–6.

<sup>6</sup> See below, pp. 390–430.

<sup>7</sup> *Parl. Hist.*, xxix. 363.

topics that might be introduced into the Debate.<sup>1</sup> On account of some supposed aberration and irregularity on a subject which was certainly connected with some of the most extensive topics of legislation that could possibly be urged in argument. What they were then going to do, Mr. Burke said, required an enlarged view of things. They were going to exercise the most ample and extensive powers which one man or a community could exercise upon another. They were not going to make laws, but they were going to make and organize a body which should make laws.<sup>2</sup> They were about to form a machine, an organ by which those people should contribute to their own happiness or their own misery. They had assumed to themselves a power of performing this act of sovereignty. At a time when every thing was disputed, he said, they ought to be sure they had a right to finish such an act as that, before they entered upon it. The Question of Competency therefore came first to be considered. They ought to look to their own character, and to take care they did nothing that was founded on<sup>3</sup> usurpation and injustice; for, if they had no right to do the act, it was not the wise and beneficent use of their power that could justify them. A wise and benevolent use made of an authority was as much an usurpation when they had no title to it, as the worst use of it, the good use yet being only matter of mitigation. Whence he asked, did they derive that power? They had lately heard of the *Rights of Man*.<sup>4</sup> These rights of man were, that all men being by nature free and equal, and continuing so, no man could exercise any power over any number of men but by calling all the people together, and demanding the vote of every man by number, and asking him in what way he wished to be governed. These were what were called the Rights of man, and they said that every government that did not practice them, ought to be called an usurpation, as every Government not so constituted, was an usurpation;<sup>5</sup> upon what ground, therefore, was

<sup>1</sup> M. A. Taylor (see below, p. 333) on 21 April had threatened to call to order any member 'who went out of the proper discussion of the subject' of the Quebec Bill (*Diary*, 22 Apr. 1791).

<sup>2</sup> The Quebec or Canada Bill (*Commons Sessional Papers*, lxxix. 115–38) was to replace the system of government for the recently conquered British colony of Quebec that had been enacted by Parliament in 1774. Under the bill, a nominated legislature was to be replaced by elected assemblies and by appointed legislative councils in each of the two new colonies of Lower and Upper Canada into which Quebec was now to be divided.

<sup>3</sup> 'or' in original.

<sup>4</sup> The French National Assembly had promulgated a Declaration of the Rights of Man and of the Citizen in 1789 and the first part of *Rights of Man* by Thomas Paine had been published on 13 March.

<sup>5</sup> According to the version in the *Oracle*, 7 May 1791, Burke had said: 'If we adopt into our Political Creed this object of French Idolatry [the rights of man], we have no business whatever with the Province of Canada, except perhaps to call the inhabitants together in order to desire them to form a Constitution for themselves.'

their competency founded? Upon two grounds; one of these was the *Rights of Man*. There was another ground on which men exercised acts of Sovereignty over other countries; and that was by acting in conformity to the *Law of Nations*. The question therefore was, whether they should follow these Rights of Men, or this Law of Nations? Whether they should take their competency from novelties that had been lately raised in the world, or from what had been received for many ages, by the general consent of all nations, and which was emphatically called the *Law of Nations*. Mr. Burke thought they must ground their competency on the Law of Nations. They had acquired the Province of Canada by conquest, which carried with it all the Rights of the Ancient Government, and all its duties, to govern by the rules of justice and equity, and to promote the essential interests of the persons governed.<sup>1</sup> They had another foundation for their competency grounded on the law of nations; the antient sovereign had ceded to us that country by treaties.<sup>2</sup> Another part of the law of nations, Mr. Burke said, was prescription. They had been in the undisputed possession of Canada for more than thirty years, they were consequently bound to give that country what in their estimation was the best form of Government. They ought to employ their utmost exertions for the happiness, quiet, satisfaction, and rational liberty of the people they governed, and on the other hand, the inhabitants of Canada were bound to obey. This was the law of nations; and for that reason, and upon that ground he found a competency in the House to make laws for Canada. The question of competency being settled, the next thing to which they were to proceed, was upon what principles they were to make those laws. What principles and what examples were they to follow? By the Act they were going to make, they were bound to give that country the best Government it was capable of receiving. Canada stood in a double relation to us as with regard to its internal happiness, and with regard to its external security in point of permanent connection with this country. Mr. Burke said, he did not mean to resort to any examples of the old world. In the first place, he did not think them very applicable; and secondly, because it was the disposition of many people to explode all the lights of the old world. As they rather wished to have recourse for knowledge to the Academies of Paris, and the clubs of London; they wished to be enlightened by their

<sup>1</sup> The moral obligations entailed by conquest was a fundamental concern of Burke, which he expounded on St Eustatius (see above, pp. 78–82, 91–4) and above all on India.

<sup>2</sup> French territory in North America had been ceded to Britain by the Peace of Paris of 1763.



lanterns,<sup>1</sup> he should set aside all the authority of antient governments. There were three authorities in the modern world, which he conceived would be of great weight; the first was the American Constitution; the next the French Constitution, and the third was the British Constitution. He knew no others that were likely or fit to be resorted to as precedents.<sup>2</sup> With regard to the American Constitution, Mr. Burke said, there was no doubt when they were making laws for a Province in the vicinity of the United States, very great consideration should be used that the inhabitants of Canada might see nothing in the situation or government of the American States to excite their envy or their discontent. Mr. Burke begged leave to say a few words on the American Constitution. He said they certainly ought to draw examples on all sides, but he warned the Committee to beware how they forced nature. In so far as they attempted to force the habits of men they were tyrants of mankind.<sup>3</sup> The first Question respecting Canada was undoubtedly the local situation; another circumstance was, that the people consisted of two sorts. The most considerable part of the English there were people who had emigrated from the neighbouring Colonies.<sup>4</sup> It was a comfort to him, Mr. Burke said, that they had great freedom on this subject; if we should offer them the British Constitution there was no great danger that they would prefer the American Constitution to it, since they had emigrated from the United States and had fled from that Constitution which might be supposed to be an object of their jealousy.<sup>5</sup> This they had deserted, and had taken refuge under the British Monarchy, and therefore the British Constitution, it was clear, had not displeased the people of that country to such a degree as to shock their inveterate prejudices. He conceived, by giving them the British Constitution, they were in no danger of giving them what would make them envy their neighbours. If he chose the British Constitution for them, he should offer no violence to their minds, nor afford them any subject of

<sup>1</sup> Parisian mobs lynched their victims *à la lanterne*, by stringing them up from lamp-posts.

<sup>2</sup> The main debate among British policy-makers was the extent to which the law and customs of Quebec before the British conquest should be preserved by the French inhabitants of Quebec. That the new French constitution might have any relevance seems never to have been considered.

<sup>3</sup> The *Oracle*, 7 May 1791 (see also *Parl. Hist.*, xxix. 365) records Burke as having spoken about France at this point, introducing a quotation from Horace. He had urged the House to take no account of recent French developments, since 'the mad democrates of France' had acted 'in opposition . . . to that just maxim of the Latin Poet, non mihi res, sed me rebus submittere conor' (trying not to bend the world to myself, but submitting myself to the world; *Epistles*, I. i. 19).

<sup>4</sup> Some 14,000 English-speaking people, of whom the largest element was loyalists who had left revolutionary America, were living in the western part of Quebec by 1791.

<sup>5</sup> Burke was speaking inexactly: most loyalists had left long before the promulgation of the Constitution of the United States in 1787.

jealousy. Mr. Burke said, he wished to consider how far the American Constitution was fit to be resorted to on the present occasion. He believed the Americans had made their Constitution with as much regard to circumstances as the nature of their affairs would admit;<sup>1</sup> and what was to be very much regarded, they were a people singularly well qualified to form themselves into a Republic. In the first place, they had what was essentially necessary to every people that would be free; they had a certain degree of phlegm; a certain temper; a certain portion remained of the original phlegm, and slowness of temper, and of the good disposition and good nature of the people of this country, to enable them to exist in a republic.<sup>2</sup> That extreme coolness which characterised the people of England, eminently qualified the people of America for a Republic. Another thing to be considered, was the materials on which it was to be composed. The Republics of America had this great advantage, that their inhabitants had formerly lived under a wise, vigilant, powerful, and a beneficent Monarch. They had had the guardianship of a great monarchy over them, and which prevented them from turning into those excesses that other Republics had gone into. They also had another advantage, and that was, the foundation of their government had been preceded by a long war. Military discipline, Mr. Burke said, qualified them for civil government; it produced order, regularity, temper, obedience, and submission to authority. They learned, in that school, the admiration of great example, and a submission to great men. The military art, war itself, with all its horrors, was a great school of virtue. They had been trained, they had been instituted to a Commonwealth by war and arms. This was the advantage which America had. A King of Sparta being asked what was the proper rule of Government, had replied, "It was to command and to obey,"<sup>3</sup> a reply, which Mr. Burke declared, contained the most profound wisdom. He next called the attention of the House to the use the Americans had made of these advantages; they had not gone into all the folly and absurdity of the French, but had erected Republics as near to the principles of our

<sup>1</sup> Burke's relatively generous assessment of the Constitution of the United States suggests a mellowing of his earlier scepticism about the political prospects for the new republics. Fox had enthusiastically praised American constitutional arrangements on 8 April as 'the best adapted to the situation of the people who lived under them, of any governments of the ancient and modern world' (*Parl. Reg.*, xxix. 72).

<sup>2</sup> 'The character of the Americans is remarkable for a certain seeming apathy, which excites the admiration even of the cold Englishman himself; they are possessed of a wonderful degree of phlegm, a quality well suited to the principles of Republicanism' (*Oracle*, 7 May 1791).

<sup>3</sup> See Plutarch's life of Agesilaus II of Sparta.

Constitution as Republics could be.<sup>1</sup> They had never dreamt of the *Rights of Man*,<sup>2</sup> or that absurd maxim of the French Democrates, who say, that "the Nation governs the Nation," in other words, *Prince Prettyman governs Prince Prettyman*.<sup>3</sup> He said, he knew by something which in such times as the present he was ashamed to mention, viz. *experience*, that an English Colony naturally loved Monarchy. When they saw the American States approaching as near as possible to our Constitution, why should they not give the British Constitution to our Colony in the neighbourhood, since Canada and the mother country ought to reflect one another like parents and children. Agesilaus, King of Lacedomon, had said he could sing like the Nightingale, when another said "I have heard the Nightingale itself."<sup>4</sup> So it was with regard to the English Constitution, which was the true nightingale, and was infinitely superior to any light of knowledge to be derived from the academies of Paris or the clubs of London. Mr. Burke said, the next set of subjects in Canada were those of French origin, or the original inhabitants of the country.<sup>5</sup> The province being a conquered country was, however, no reason to treat the inhabitants hardly, or use them ill; on the contrary, it ought to operate as a double reason to induce us to behave to them with justice and equity and treat them as friends peculiarly entitled to our protection; and they were also entitled to all possible tenderness and respect; and here he would ask what was the consideration with respect to them, that we should take the French Constitution for Frenchmen? The Constitution was founded on principles diametrically opposite to those he had stated; no part of what had been done in France being at all applicable to our constitution. The French Constitution, was, in fact, directly the reverse of the English one. It was in all its parts abominably bad, vicious, and impracticable; it could not be engrafted on the English Constitution. It was as distant from it as Heaven from Earth, as Vice is from Virtue, and Wisdom from Folly. Mr. Burke said he should take the liberty of throwing out some ideas, to shew why they were so different.

<sup>1</sup> "... the Americans had no materials to form a Monarchy nor an Aristocracy; but they have brought their government as near as possible to the British Constitution . . . They have guarded their Constitution by reciprocal checks; they have established in imitation of the House of Lords and House of Commons in this Country, a Congress and a Senate' (*Oracle*, 7 May 1791).

<sup>2</sup> This was a rather selective reading of recent American history, ignoring statements of 'inalienable Rights' in the Declaration of Independence and in many state constitutions.

<sup>3</sup> Prince Pretty-man is a character in the *Rehearsal*, a play by George Villiers, Duke of Buckingham.

<sup>4</sup> The conventional version of the story is that, when told of an actor who could sing like a nightingale, the king, Agesilaus II (c.444–360 BC), replied that he had heard the nightingale.

<sup>5</sup> The great bulk of the European population of Quebec, probably some 150,000, were people of French origin.

The French Constitution was formed on what they called the *Rights of Man*, and he had an example before him of the effect of the French Declaration of Rights.<sup>1</sup> He said he should go on in the old fashioned way of reasoning *a posteriori*. This mode of reasoning had been adopted in experimental philosophy, and might with equal propriety be applied to the philosophy of the human mind. The French colonies of St. Domingo, Guadaloupe, &c, at the beginning of the French Revolution, he declared, were in the most prosperous and flourishing state, notwithstanding three disastrous wars. But this was before they heard the sound of the Rights of Man. The French, however, were willing to communicate those rights to their colonies, not niggardly and penuriously, but largely and munificently. As these rights were readily given on the one hand, they were as readily accepted on the other. From that moment one would have thought that Pandora's box was opened,<sup>2</sup> and that Hell had vomited out its fiends of Outrage, Fury, Distraction, Discord, Violence, Civil War, and Mutual Assassination. These had continued to rage from that day to this. The partizans of the old Government were attacked; the troops had attacked the Governor, and the Governor attacked the troops. The troops were at length sent out of the country. The shepherd and dogs were sent away, and the flock was left to the wolves. A general slaughter took place, each man tried to cut another's throat, the father attacked the son, and the son the father; and the blacks attacked the whites, and the whites the blacks; anarchy, confusion, and bloodshed raged;<sup>3</sup> it was a general summons for

Black spirits and white,  
Blue spirits and grey,  
Mingle, mingle, mingle;  
You that mingle may.<sup>4</sup>

The Bastille was destroyed, and the troops were sent over well seasoned with the rights of man. The old *ultima ratio regum*<sup>5</sup> had become the new

<sup>1</sup> The Declaration of the Rights of Man and of the Citizen of 26 August 1789 was prefixed to the Constitution.

<sup>2</sup> In Greek mythology, Pandora's box contained all the evils of the world.

<sup>3</sup> The French plantation colony of St Domingue (later Haiti) with its huge slave population was to be convulsed by the Revolution. The planters and other substantial elements of the white population had claimed the right to be represented in the National Assembly and to control the government of the colony. In 1790 the mass of poorer whites rebelled against them and this was followed by a rising of people of mixed race. Finally in August 1791 there was to be a massive insurrection of the slaves.

<sup>4</sup> 'Black spirits and white, red spirits and gray / Mingle, mingle, mingle you that mingle may'; words from Thomas Middleton, *The Witch*, V. ii; often inserted into Shakespeare's *Macbeth*, IV. i. 39-43.

<sup>5</sup> The final argument of kings.



*ultima ratio* of the rights of man. Mr. Burke quoted a narrative of the National Assembly of the 25th of April, 1791, which stated, that the latest accounts from St. Domingo were the most alarming, that the troops that had been sent from France had joined the insurgents, and that their General was cut to pieces by his own men:<sup>1</sup> a nation might as well think of feeding to their colonies a bale of cotton from Smyrna, infected with the plague, without performing quarantine,<sup>2</sup> as of sending to them a cargo of the *rights of man*. One of the Rights of Men was, for the Troops to assassinate their General. It would be idle, Mr. Burke said, to argue on the old foolish thing, called experience. He said it was not enough for Parliament to send out a Constitution to Canada, they must first approve of it themselves. To do otherwise, would be to send them out old, and not the best cloaths; a kind of cast-off cloaths, not worth wearing elsewhere. When gentlemen were enlightening the world so much, they had no objections to make experiments in Canada.<sup>3</sup> The first consideration was, that if the French Constitution be applied to that country, there might be a recoil on ourselves, and the French constitution notwithstanding what had been vauntingly said of it; he would prove before he sat down to be a Revolution of consummate folly, founded in every vice, and pregnant with endless anarchy. What was the best account received last from Paris? Mr. Burke said the National Assembly had declared they would give to the country an immoveable, an eternal Constitution, never to be changed; and that they would prevail on the whole nation to swear to the observance

<sup>1</sup> The *General Evening Post* of 3–4 May 1791 carried news of the report to the National Assembly on 25 April (*Ancien Moniteur*, viii. 219–20) that Colonel de Mauduit (Thomas-Antoine de Mauduit du Plessis, 1753–91) had been ‘beheaded by the grenadiers of his regiment’ in St Domingue.

<sup>2</sup> Goods from ports in the Levant like Smyrna were regarded as potential carriers of the plague, which should be quarantined. The great epidemic at Marseilles in 1720 was blamed on imports from Smyrna.

<sup>3</sup> This was a somewhat distorted interpretation of Fox’s earlier interventions on Quebec, although Fox had given some ammunition to those who might wish to distort. On 8 April Fox had criticized the constitutional provisions of the Quebec Bill for being too restrictive. The people of Quebec should be given ‘a government as agreeable to the genuine principles of freedom’ as was possible and one that would not put them at a disadvantage compared with the United States. In particular, he hoped for elected second chambers as well as elected assemblies and had condemned proposals to create an hereditary aristocracy in Canada. He assumed that an opportunity was being taken in what had been ‘formerly a French colony . . . of reviving those titles of honour, the extinction of which some gentlemen so much deplored, and to revive in the West that spirit of chivalry, which had fallen into disgrace in a neighbouring country’. He also condemned the scheme for a substantial endowment of the Anglican church. The main thrust of his argument was, however, that Quebec must be given ‘the substance’, not the ‘shadow’ of the British constitution (*Parl. Reg.*, xxix. 71–4). Although he said that he did not ‘use the word republican as an obnoxious term’, Pitt had rejected such proposals as being based on ‘republican principles’ alien to ‘the constitution of Britain’ (*ibid.* xxix. 76). A newspaper reported that: ‘The language of Mr. Fox on the Canadian Constitution was certainly the most boldly *Republican* that had ever been spoken in the British Senate.’ It suggested that Burke’s alarm about ‘Democratic Plots’ was ‘now much better founded’ than it had been in February 1790 (*Oracle*, 12 Apr. 1791).

and support of its principles.<sup>1</sup> It became that House, then, duly to consider what sort of a Constitution they were about to form. When the French had obtained a King such as they wished, a King that was no King, who was kept a strict prisoner, and had no guard in whom he could confide, they had a mind to shew the nations of Europe what a miserable thing a King could be made. The King of France was committed, Mr. Burke said, to the Chief Jailer of Paris, M. de la Fayette, who allowed him his day rule, to go out and to breathe a little fresh air. He had the length of a chain, which was 60 miles long, but when the King was going to set out, to spend a few holidays, as the Members of that House had lately done, one of the guards clapped his bayonet to the horses and said, "You *must* not go—" <sup>2</sup>

At this point Burke was called to order by William Baker, a supporter of the opposition, well disposed to Burke. He complained that Burke was gratuitously abusing the new French order and was not speaking to the question. Fox added that Burke was claiming a right 'to abuse the Government of every country as much as he pleased and in as gross terms as he thought proper, whether it had any reference or not to the point'.

Mr. *Burke* said, the Honourable Gentleman's conclusion was very ill drawn from his premises. If he was disorderly he was sorry for it. His Right Honourable Friend had also accused him of abusing Governments in very gross terms. He conceived his Right Honourable Friend meant to abuse him in unqualified terms. He had called him to an account for the decency and propriety of his expressions. Mr. Burke said he had been accused of creating dissention among nations. He never thought the National Assembly was imitated so well as in the Debate then going on. M. *Cazales*<sup>3</sup> could never utter a single sentence in the Assembly without a roar.

Michael Angelo Taylor,<sup>4</sup> another opposition supporter, called Burke to order for speaking irrelevantly.

<sup>1</sup> The new constitution, proclaimed to be permanent and unchangeable, had not yet been formally enacted. Burke was probably reacting to a letter issued to all French emissaries to foreign countries by the Minister for Foreign Affairs, Armand-Marc, Comte de Montmorin de Saint H rem (1745-92), on 23 April 1791. They were told that the King had adopted the constitution 'without hesitation' (*Ancien Moniteur*, viii. 213). This letter was widely printed in the British press.

<sup>2</sup> Louis XVI had attempted on 18 April to go with his family to spend Easter at St Cloud, six miles from Paris. A crowd prevented him from setting out. Shouts of 'Il ne faut pas qu'il part' were reported in the English press (*St James Chronicle*, 23-6 Apr. 1791). Burke had just received a letter describing the episode from E. J. A. Woodford, 29 Apr. 1791, MS. at Sheffield, Bk. 1. 2372. As commander of the National Guard, La Fayette had given the King permission to make the journey. He was unable to persuade the crowd to let the King leave.

<sup>3</sup> Jacques-Antoine-Marie de Cazal s (1758-1805), who defended royal authority in the National Assembly and later as an * migr * became a correspondent of Burke's.

<sup>4</sup> (c.1757-1834).

Mr. *Burke* submitted to the Committee whether he was or was not in order. The Question was, whether the Bill was then to be read paragraph by paragraph. It was a fair way in reasoning to see what experiments had been made in other countries. His Right Honorable Friend said no body had the least idea of borrowing any thing of the French Revolution in the Bill.<sup>1</sup> Mr. *Burke* asked how his Right Honourable Friend knew that? For any thing he knew, he, (Mr. *Burke*) himself, might mean to insert some clause. If he was to be stopped, he asked, why was it not in the beginning, and before he had fully declared the French Revolution to be the work of Folly and not of Wisdom. It was the work of Vice and not of Virtue. If the Committee would permit him to go on, he should endeavour to meet the most captious ideas of order. He declared he would not suffer friend nor foe to come between his assertion and his argument, and thereby to make him a railer. His Honourable Friend said, although he did not do it himself, he was probably, though unwittingly, the instrument of some other people's folly.<sup>2</sup> He declared, he had not brought forward this business from any views of his own. He said if they did not suffer the affair to be discussed, if they shewed a reluctance to it—

St Andrew St John,<sup>3</sup> also from the opposition side, called *Burke* to order for departing from the question in talking about the French Revolution.

Mr. *Burke* said he meant to take the sense of the Committee, whether or not he was in order. He declared he had not made any reflection, nor did he mean any on any one Gentleman whatever. He was as fully convinced as he could be, that no one Gentleman in that House wanted to alter the Constitution of England. The reason why, on the first regular opportunity that presented itself, he was anxious to make his reflections on the subject, because it was, a matter of great public concern, and occasion called for his observations. As long as they held to the Constitution he should think it his duty to act with them; but he would not be the slave of any whim that might arise. On the contrary he thought it his duty not to give any countenance to certain doctrines which were supposed to exist in this country, and which were intended fundamentally to subvert the Constitution. They ought to consider well what they were doing.

<sup>1</sup> On 21 April Fox had said that when he had spoken on the Quebec Bill 'the French Revolution had not been in his thoughts' (*Diary*, 22 Apr. 1791). He insisted that he objected to the Quebec Bill because he thought it was not fully extending the British constitution to Canada.

<sup>2</sup> William Baker had said that *Burke* was 'the unwitting tool of those who wished to sow the seeds of dissention among Friends' (*Oracle*, 7 May 1791). He was referring to the widely held belief that ministers were trying to incite a quarrel between Fox and *Burke* in order to damage Fox.

<sup>3</sup> (1739–1817).

Here there was a loud call of *Order!—Order!—and Go on!—Go on!*

Mr. *Burke* said there was such an Enthusiasm for order that it was not easy to go on, but he was going to state what the result of the French Constitution perfected was, and to shew that we ought not to adopt the principles of it. He might be asked, why state it, when no man meant to alter the English Constitution? Why raise animosities, where none existed? And why endeavour to stir up passions where all was quiet before? Mr. *Burke* confessed a thing might be orderly, and yet that it might be very improper to discuss it. Was there any reason for doing this, or did they think the country was in danger? He declared he was ready to answer that question. He was perfectly convinced that there was no immediate danger. He believed the body of the country was perfectly sound, although attempts were made to take the Constitution from their heads by absurd theories. He firmly believed the English Constitution was enthroned in the affections of their bosoms; that they cherished it as a part of their nature; and that it was inseperable from Englishmen, as their souls and their bodies. Some Ministers and others had, at times, apprehended danger, even from a minority; and History had shewn that on this way a Constitution had been over-turned. Mr. *Burke* said the question would be, what had they to do with the French Constitution? They had no right to have recourse to the proceedings of the National Assembly because the government of this country had not yet recognized it.<sup>1</sup> If they had, they would silence him. If the French Revolutionists were to mind their own affairs, and had shewn no inclination to go abroad and to make proselytes in other countries Mr. *Burke* declared that neither he for one should have thought, nor any other Member of the House, had any right to meddle with them. If they were not as much disposed to gain Proselytes as Lewis XIVth was to make conquests, he should have thought it very improper and indiscreet to have touched on the subject. He said he would quote the National Assembly itself, and a correspondent of his at Paris who had declared he appeared as THE AMBASSADOR OF THE WHOLE HUMAN RACE.—<sup>2</sup>

<sup>1</sup> The new constitution was to be adopted on 3 September 1791.

<sup>2</sup> Jean-Baptiste du Val-de-Grace, Baron Cloots (1755–94), was a Prussian enthusiast for the French Revolution who took the name of Anacharsis Cloots. He had appeared before the National Assembly on 19 June 1790 at the head of what he called an embassy of the human race: that is, of peoples hoping to be free under the 'philosophical laws' of the new France. It seems that *Burke* started to read Cloots's Discourse on that occasion (copy in MS. at Northampton, A. vii. 21). For Cloots's correspondence with *Burke*, see *Corr.* vi. 109–15, 135–6.



At this point Burke was again called to order by John Anstruther,<sup>1</sup> who had worked closely with him on the Hastings trial. He said that if Burke considered that the constitution was in danger, it was his duty 'to bring forward some specific measure on the subject' rather than try to introduce it through a debate on the Quebec Bill. It was 'neither fit nor prudent' to discuss the French constitution.

Mr. *Burke* said an objection had been taken against arguing the business on the ground, that although it might be in order, yet the discussion of it might be attended with mischievous consequences. If some good was not to be obtained by it, Mr. Burke admitted, it might be censurable to argue it, and prudence he owned was a very useful quality, and a part of every man's duty to his country. He said he had formerly observed in the course of this most irregular debate, that the body of the country was as yet untainted, and that the Government was yet untainted with this *French malady*.<sup>2</sup> The House smiled at the expression, and Mr. Burke observed, that there might be some allusion which might not be so proper. He hoped there was a very little minority indeed out of doors, who were disaffected with the English Constitution, and who wished to put the country out of love with it, by endeavouring to fill them with admiration for another.—He was asked why he did not come forward with this business as a distinct subject? He said, before he did that, it would be proper first to know what support he was likely to have. He must know how Government stood affected to the business, and also how the other side of the House liked it. Mr. Burke observed, that he had sat six and twenty years in that House, and had never called any man to order in his life. This being a question of prudence, he thought it was the part of a wise man and good citizen rather to discountenance the measure, and to admonish those, who might entertain such designs of their danger, than to come immediately to the knife. He knew there was a levity natural to mankind; but when they were alarmed, they might recollect themselves, and correct those things which he should be sorry if the law were to correct for them.

[Here there was a loud cry of "*Chair! Chair!*" and of "*Hear! Hear!*"]

Anstruther again called Burke to order. In a long discussion that followed Charles Grey and Sheridan called on Burke to make a specific motion on some future occasion about the danger to the constitution. Pitt said that he would only give his opinion on whether Burke was in order 'unless some question had been moved or order made to stop' him.

<sup>1</sup> (1753–1811).

<sup>2</sup> The French pox was a common name for syphilis.

Mr. *Burke* again submitted to the Committee, whether he was orderly or not. He desired to proceed no farther, without taking the sense of the House upon it. When he spoke of a design that was formed in this country against the Constitution, he said, he spoke with all the simplicity of a Member of Parliament. He did not *imagine* there were any plots but he had a knowledge or conviction of them.—Mr. *Burke* complained that his friends had not used him with candour. He said, if they reluctantly forced him to take a regular day, he should certainly do it, provided they gave him a regular Parliamentary call to do it.

Grey repeated that if *Burke* knew of designs against the constitution it was his duty to mention them.

Mr. *Burke* said, he charged that there was such a design, so far as could be collected from the conduct of certain persons in the country, to put us out of love with our Constitution. If he was called on regularly, he should certainly make good his charge.

St John called *Burke* to order again and said 'he should think it necessary to take the opinion of the House on his conduct'.

Mr. *Burke* said an attempt was now made, by one who had been formerly his friend, to bring down upon him the censure of the House; it was unfortunate, he said, for him, sometimes to be hunted by one party, and sometimes by another. He considered himself to be unfairly treated by those Gentlemen with whom he had been accustomed to act, but from whom he now received extreme violence; he should, he said, if the *tumult* of *order* abated, proceed in the account he was going to give of the horrible and nefarious consequences flowing from the French Idea of the Rights of men.

Lord Sheffield<sup>1</sup> moved: 'That Dissertations on the French Constitution, and to read a Narrative of the Transactions in France are not regular or orderly on the question, that the clauses of Quebec Bill be read a second time, paragraph by paragraph.' Fox seconded the motion. Pitt opposed it, 'not conceiving' that *Burke* was 'disorderly'.

Fox then spoke at length. He began by complaining that *Burke* was now using a debate intended for a detailed examination of the Canada Bill to launch a discussion of 'the Constitution of another country', an issue on which he knew that he and Fox differed. 'If this was not manifest eagerness to seek a difference of opinion, and anxiety to discover a cause of dispute, he knew not what was.' *Burke*

<sup>1</sup> John Baker Holroyd (1735–1831), 1st Baron Sheffield, an old supporter of Lord North.

seemed to be trying to confirm the insinuations against him of 'having maintained republican principles as applicable to the British constitution', which Pitt had made against Fox in a previous debate on Quebec.<sup>1</sup> 'No such argument had ever been urged by him, nor any from which such an inference was fairly deducible.' On the French Revolution, however, he and Burke differed greatly. 'Their opinions . . . were as wide as the poles asunder.' He repeated that he thought the French Revolution 'on the whole, *one of the most glorious events in the History of Mankind*'. At a proper time, he was prepared to debate with Burke

and maintain, that the Rights of Man, which his Right Honourable Friend had ridiculed as chimerical and visionary, were in fact the basis and foundation of every rational Constitution, and even of the British Constitution itself, as our Statute Book proved; since, if he knew any thing of the original compact between the people of England and its Government, as stated in that volume, it was a recognition of the original inherent rights of the people as men, which no prescription could supersede, no accident remove or obliterate. If such were principles dangerous in the Constitution, they were the principles of his Right Honourable Friend, from whom<sup>2</sup> he had learned them. During the American war they had together rejoiced at the successes of a Washington, and sympathised almost in tears for the fall of a Montgomery.<sup>3</sup> From his Right Honourable Friend he had learned that the revolt of a *whole* people could never be countenanced and encouraged, but must have been provoked.<sup>4</sup> Such at that time had been the doctrine of his Right Honourable Friend, who he said with equal energy and emphasis, that *he could not draw up a Bill of Indictment against a whole people*.<sup>5</sup> Mr. Fox declared that he was sorry to find that his Right Honourable Friend had since learnt to draw up such a Bill of Indictment, and to crowd it with the technical epithets that disgrace our Statute Book, of *false, malicious, wicked, by the Instigation of the Devil, and not having the fear of God before your eyes*, &c. Having been taught by his Right Honourable Friend, that no revolt of a nation was caused without provocation, he could not help feeling a joy ever since the Constitution of France became founded on the Rights of Man, on which the British Constitution itself was founded. To deny it was neither more nor less than to libel the British Constitution; and no Book his Right Honourable Friend could cite, no words he might deliver in debate, however ingenious, eloquent and able, as all his writings and all his speeches undoubtedly were, could induce him to change or abandon that opinion. He differed from his Right Honourable Friend *Toto Cælo*.<sup>6</sup>

Fox concluded that he had 'said more than he intended, possibly much more than was either wise, or proper'.

<sup>7</sup>Mr. BURKE said, that though he had been called to order so many times, he had sat with perfect composure, and had heard the most disorderly speech that perhaps ever was delivered to that House. He had not pursued

<sup>1</sup> See above, p. 332, n. 3 and for Burke's fuller explanation on 11 May, see below, pp. 354–5.

<sup>2</sup> 'from' in original.

<sup>3</sup> Richard Montgomery (1738–75) was killed at Quebec in 1775.

<sup>4</sup> 'General rebellions and revolts of a whole people never were encouraged, now or at any time. They are always provoked.' *Letter to the Sheriffs of Bristol*; vol. iii, p. 310.

<sup>5</sup> *Speech on Conciliation with America*; vol. iii, p. 132.

<sup>6</sup> By an immense distance.

<sup>7</sup> The rest of the speech from this point is taken from the *Morning Chronicle*.

the conduct of which an example had been set to him, but had heard, without the least interruption, that speech out to the end, irregular and disorderly as it had been, his words and his conduct throughout had been misrepresented, and a personal attack had been made upon him from a quarter he never could have expected it, after a friendship and an intimacy of more than twenty-two years; and not only his public conduct, words and writings had been alluded to in the severest terms, but confidential conversations and private opinions had been brought forward, with a view of proving, that he had acted inconsistently; and now a motion was introduced, which hindered him, in a great measure, from having an opportunity to ascertain, by facts, what he had stated as opinions. He could not help thinking, that on the subject of the French Revolution, he had met with great unfairness from the Right Honourable Gentleman, who had said as much as that he had acted and spoken rashly without information, and unsupported by facts to bear out his deductions, and this had been treated in a manner that did little justice to his feelings, and had little appearance of decency on the part of the Right Honourable Gentleman. However when, and as often as this subject came to be discussed fairly, and facts that he was possessed of allowed to be brought forward, he was ready to meet the Honourable Gentleman hand to hand, and foot to foot upon it. Much was said against proceeding without good information, and at the same time authorities that were solid and substantial were not allowed to be quoted. But this, it seemed, was not the cause of quarrel; it was not because this authority, or that example, were mentioned, but he was accused of misrepresenting what the Right Honourable Gentleman had said on a former day,<sup>1</sup> when he owned he was not present, and which he disavowed in the most positive terms. He denied any reference to that, or any other speech of the Honourable Gentleman; but contended, that he had argued on this, as he wished to do on every other occasion, in a candid, plain, and simple manner. With regard to the Quebec Bill, the Honourable Gentleman was no stranger to his opinions upon it; his reasons for forming those opinions, he had mentioned in the fullest and most particular manner to him at his own house, and walked from thence to that House, with conversing all the time on that subject.<sup>2</sup> The Honourable Gentleman had then certainly disagreed with him upon it, but they had no quarrel upon it, and what the Honourable Gentleman had said upon the subject, he did not now wish to state, farther than that their sentiments were entirely and

<sup>1</sup> On 8 April, see above, p. 332, n. 3.

<sup>2</sup> On 21 April.



diametrically opposite, and he would not be persuaded from what the Honourable Gentleman said, to give up his purpose of stating to the House upon this occasion, his mind with regard to the French Constitution, and the facts which led him to think as he did—and certainly in this he thought there could be nothing disorderly, especially when so much had been already introduced, not about the Constitution of Quebec, but about the American Constitution.<sup>1</sup> He had asserted that dangerous doctrines were encouraged in this country, and that dreadful consequences might ensue from them, which it was his sole wish and ambition to avert, by strenuously supporting the Constitution of Great Britain as it is, which, in his mind, could best be done by preventing impending danger, than by any remedy that could afterwards be applied. And he thought himself justified in saying this, because he did know that there were people in this country avowedly endeavouring to disorder its Constitution and Government, and that in a very bold manner. The practice now was, upon all occasions, to praise, in the highest strain, the French Constitution; some indeed qualified their argument so far by praising only the French Revolution;<sup>2</sup> but in that he could see no difference, as the French Constitution, if they had any, was the consequence and effect of that Revolution. So fond were Gentlemen of this favourite topic, that whoever disapproved of the anarchy and confusion that had taken place in France, or could not foresee the benefits that were to arise out of it, were stigmatised as enemies to the rights of men, to liberty, and to the British Constitution, charges that were false, unfounded, misapplied, and every way unfair. Doctrines of this kind, he thought, were extremely dangerous at all times, and much more so, if they were to be sanctioned by so great a name as that of the Right Honourable Gentleman, who always put whatever he said in the strongest and most forcible view that it could appear. Thus it had become common to set the French Constitution up against the English Constitution, upon all occasions when the comparison could be introduced; and then he insisted, if the former was praised, the latter must be proportionably depreciated. Here again he reverted to what he had been told had passed on a former day, when he said the Honourable Gentleman had taken fire when the French Constitution was mentioned, and had termed it the most glorious and stupendous fabric that ever was reared by human wisdom.<sup>3</sup> He still insisted, that the

<sup>1</sup> Much had been said about the need to give the Canadian colonies constitutions that would stand comparison with the American Constitution.

<sup>2</sup> Fox had made this distinction.

<sup>3</sup> On 15 April.

discussion of the Quebec Bill was a proper opportunity, after what had been said, for entering upon a true and minute comparison of the French Constitution with that of England, though the disorderly rage for order that prevailed that day, seemed to be adopted for the purpose of precluding every fair or proper discussion. He had that day been accused, among other breaches of friendship towards the Honourable Gentleman, of having provoked the discussion, to give an advantage to the Honourable Gentleman's enemies, a principle that he utterly disclaimed, and never thought that any fair or candid man could have brought; however, if any could have supposed so before what they had heard from the opposite side of the House this day, must convince them of the contrary.—In what he had repeatedly said and written concerning the French Revolution, he had been accused of stating his opinions rashly and without foundation, a charge which he was certainly anxious and able to refute, if he had been allowed—and at the very time when he was going to produce facts in support of what he had asserted, blended partly with private information and respectable authorities, though he perhaps might have gone greater lengths than he wished, by disclosing communications that he ought to conceal, yet being so particularly called upon, he would have done it—at this very moment he was stopped in the most unfair, and, notwithstanding, as he had already said, the rage for order in the most disorderly manner. And but for this extraordinary conduct, he would have proved that the issue of the French Constitution, or Revolution, which they liked to call it, was not intended for, and never could be, for the cause of Liberty, but on the contrary, ever was, and ever would be for the cause of tyranny, oppression, injustice, anarchy, and confusion. After what had been said, nobody could impute to him interested or personal motives for his conduct; those with whom he had been constantly in habits of friendship and agreement with him, were all against him, and from the other side of the House he was not likely to have much support<sup>1</sup>—yet all he did, was no more than his duty. It was a struggle, not to support any man, or set of men, but a struggle to support the British Constitution, in doing which he had incurred the displeasure of all about him, and those opposite to him; and what was worst of all, he had induced the Honourable Gentleman to rip up the whole course and tenure of his life, public and private, and that not without a considerable degree of asperity. His failings and imperfections had been keenly exposed, and in

<sup>1</sup> Those who called Burke to order were all from the opposition side of the House. His interventions were presumably not unwelcome to ministers. In Pitt's view Burke had not been out of order and he was to speak warmly of him at the end of the debate.

short, without the chance of gaining one new friend, he had made enemies, it appeared malignant enemies, of his old friend[s] but, after all, he esteemed his duty far beyond any friendship, any fame, or any other consideration whatever. He had stated the danger which the British Constitution was daily in, from the doctrines and conduct of particular persons; however, as neither side of the House supported him in this, but as both sides thought otherwise, he would not press that point upon them now in a stronger way than he had done; but he would still aver that no assistance which could either be given or refused to him, would ever bias him against the excellence of the British Constitution; nor lead him to think well of the French Revolution, or the Constitution, as it was named, that was formerly in its place. The Honourable Gentleman, in the Speech he had made, treated him in every sentence with uncommon harshness. In the first place, he, fatigued with skirmishes of order, which being wonderfully managed by his light troops, he then brought down the whole strength and heavy artillery of his own judgment, eloquence and abilities upon him, to crush him at once, by declaring a censure upon his whole life, conduct, and opinions. Notwithstanding this great and serious, though, on his part, unmerited attack, and attempt to crush him, he would not be dismayed; he was not yet afraid to state his sentiments in the House, or any where else, and he would tell the world that the Constitution was in danger. And here he must, in the most solemn manner, express his disapprobation of what was notorious to the country, and to the world! Are there not Clubs in every quarter, who meet and vote Resolutions, the contents of which it was not necessary for him to enumerate? Do they not correspond all over the country, and with other countries? Do they not preach in their pulpits doctrines that are dangerous, and celebrate at their Anniversary Meetings, proceedings incompetent with the spirit of the British Constitution. Admitting these, and he believed no body would say his observations here were ill founded, would they hesitate a moment to pronounce such transactions dangerous to the Constitution, and extremely mischievous in their nature; when added to this, infamous libels against the Constitution were circulated every where. The truth of all this he could have shewn, which the present Motion so warmly contended for by the Honourable Gentleman, prevented him from doing, as well as his being discouraged by the want of greater support from the other side of the House. For the present, therefore, he must be content with having done his duty so far—but another time he would go farther; and being possessed of facts that must establish whatever he had said or written on the French

Constitution, and the admiration it had met with from a particular class of men in this country, he should take care that the country and the world should know it in some shape or other—He intended, before he sat down, to move an amendment, whether he took the sense of the House upon it or not. The malignity with which the Honourable Gentleman had spoken of his sentiments with regard to Government, and the charge of inconsistency in his political life and opinions, were neither fair nor true; for he denied that he ever had any different idea of Government from what he now entertained and had upon many occasions stated; he laid it down as a maxim, that monarchy was the basis of all Government, and that the nearer to monarchy that any Government approached, the more perfect it was, and *vice versa*; and he certainly in his wildest moments never had so far forgotten the nature of Government, so far as to argue that we ought to wish for a Constitution, that we could alter at pleasure and change like a dirty shirt.—In carrying on this attack against him, the Honourable Gentleman had been supported by a corps of well disciplined troops, expert in their manoeuvres, and obedient to the word of their commander.<sup>1</sup>

Grey objected that Burke's language in 'imputing improper motives' to M.P.s was 'extremely disorderly'.

Mr. Burke explained and went on.<sup>2</sup> He had formerly said, that he believed those who fomented what he dreaded as dangerous to the Constitution, to be a very small number indeed; but after stating that there were 300,000 men in arms in France, under the King's command; and stating that at any time a small faction in England was more to be dreaded than a great one in France; and though there might be no immediate danger threatening the British Constitution, yet a time of scarcity or tumult might come, and in such a case it was certainly safer and wiser to prevent the consequences, than to remedy the evil. As to the present state of this country, he described the King as in full power in all his functions, that his Ministers were responsible for all their conduct, that the country was blessed with an opposition of strong force, and that the common people were united with the Gentlemen in a column of prudence.—From all which he argued that the Constitution was excellent, and that the most trivial attempt to subvert

<sup>1</sup> Fox took strong exception to the phrase 'disciplined troops'. He said: 'He could not but be sorry that such a character for a party linked together on the most honourable principles should come from one of their own corps.' Far from organizing the calling of Burke to order, 'he had earnestly intreated his friends not to interrupt the Right Honourable Gentleman'.

<sup>2</sup> According to other newspaper accounts, he refused to apologize for his reference to 'disciplined troops'.



the principles of it ought to be watched with the greatest jealousy and circumspection; when he spoke of our Constitution as valuable, he spoke of the whole complete, and not of any particular or predominant part; and therefore thought it wiser to be prepared for any attack that might be made upon it, than to trust that we could preserve it, even after the attack was made. He then recurred to 1780, and mentioned the dreadful consequences of the riots occasioned by Lord George Gordon. Had he at that time cautioned the House to beware of the Protestant Association,<sup>1</sup> and other caballing meetings, he supposed his cautions would have been treated in the same way as those he offered now; but he trusted no person would wish again to see such destruction and disorder; the Houses of some of the greatest and best men that ever adorned their country, the Marquis of Rockingham and Sir George Savile, beset by the mob, and obliged to be defended by armed force;<sup>2</sup> they surely could not desire again to behold camps in all our squares, and garrisons in our palaces.—Having dwelt for some time upon this point, he next began to recapitulate the political questions upon which he had differed with the Right Honourable Gentleman upon former occasions, particularly the several attempts that had been made for a Parliamentary Reform,<sup>3</sup> the Dissenters Bill,<sup>4</sup> and the Royal Marriage Act,<sup>5</sup> perhaps too in other instances; but in all these, in the course of their acquaintance and intimacy, no one difference of political opinion had ever for a moment interrupted or affected their friendship till now. It certainly would be indiscretion at any period, but much greater at his time of life, to provoke enemies, or give his friends cause to desert him; yet if that was to be the case, by adhering to the British Constitution, he would risk all, and, as public duty and public prudence taught him, in his last words, exclaim—"Fly from the French Constitution."<sup>6</sup>—He had been told, that it was much better to defend the English Constitution, by praising its own excellence, than by abusing other Constitutions, and certainly the task of praising was much more pleasant than that of abusing, but he contended that the only fair way of arguing the

<sup>1</sup> The body formed to press for repeal of the legislation of 1778 granting relief to English Catholics.

<sup>2</sup> See *Corr.* iv. 241. As sponsor of bills to ease penalties on Roman Catholics, Savile was especially vulnerable to the violence of the mob.

<sup>3</sup> See above, pp. 215–26, 232–5.

<sup>4</sup> See above, pp. 306–19.

<sup>5</sup> It seems likely that Burke is referring to his opposition to Fox's attempt in 1781 to amend the Marriage Act (see above, pp. 94–8), which he had opposed, rather than to the Royal Marriage Act of 1772.

<sup>6</sup> According to *Parl. Reg.*, xxix. 340, Fox interjected in a whisper that 'there had been no loss of friends', to which Burke replied 'yes, there was loss of friends: he had done his duty at the price of his friend; their friendship was at an end'.

merits of any Constitution, was by comparing it with others, and he could not speak with propriety of the excellence of the English Constitution, without comparing it with the deformity and injustice of the French, which was the shade that brought its colours forward in the brightest point of view; and omitting to do it would be like presenting a picture without a shade. He would warn the Right Honourable Gentlemen who were the great rivals in that House, that whether they should in future move in the political atmosphere as two flaming meteors, or walk together as brethren—that they should preserve and cherish the British constitution; that they should guard against innovation, and save it from the danger of these new theories. In a rapturous apostrophe to the infinite and unspeakable power of the Deity, who, with his arm, hurled a comet like a projectile out of its course—who enabled it to endure the Sun’s heat—and the pitchy darkness of the chilly night; he said, that to the Deity must be left the task of infinite perfection, while to us poor, weak, incapable mortals, there was no rule of conduct so safe as experience.<sup>1</sup> He concluded with moving an amendment, that all the words of the motion, after “Dissertations on the French Constitution,” should be omitted, and the following be inserted in their room—“tending to shew that examples may be drawn therefrom; and to prove that they are insufficient for any good purposes, and that they lead to anarchy and confusion, and are consequently unfit to be introduced into schemes of Government, are improper to be referred to on a Motion for reading the Quebec Bill paragraph by paragraph.”<sup>2</sup>

Fox spoke again in what all the reporters agreed was a state of great agitation; ‘frequent effusions of tears, choked and embarrassed his utterance for a great part of his speech’.<sup>3</sup> For the last twenty years, he said, he and Burke ‘had acted

<sup>1</sup> According to the *Oracle*, 7 May 1791, Burke invoked the deity, after warning Fox that arguments that, whatever its initial cost, the French Revolution would eventually bring benefits to humanity were ‘by no means admissible. To do evil that good may arise from it was by no means the province of MAN, who may be very liable to err in his prophecy of events. That was the direct and incommunicable attribute of the DEITY . . . The power therefore of committing present and positive evils for the chance of eventual benefit, could not be assumed by man without the utmost arrogance or presumption.’

<sup>2</sup> *Parl Reg.*, xxix. 341 inserted at this point additions made to the *Diary*’s report on 9 May 1791. ‘In the course of the preceding speech, Mr. Burke having said that Mr. Fox had of late years forborne that friendly intercourse with him, by visits &c., which he had formerly preserved, the latter, in reply, said the omission complained of, was purely accidental; that men, at different periods, fell into different habits; and without any intentional neglect, it frequently happened that they did not see their friends so often as they might have done in preceding years; but at the same time, that their friendship was as warm and sincere as ever.

Mr. Burke, likewise, while in one of the parts of it, where he was reasoning with great warmth, checked himself, and addressing himself to the Chair, said, “I am not mad, most noble Festus; but speak forth the words of truth and soberness” [Acts 26: 25].

<sup>3</sup> *Oracle*, 7 May 1791.

together and lived on terms of the most perfect intimacy'. Differences in the past had not affected their friendship and he hoped that the French Revolution might not do so now, even though they disagreed on it. Fox condemned the *Reflections*, 'both in publick and in private, and every one of the doctrines it contained'. He repeated his charge that, in choosing the Quebec Bill for a discourse on the French Revolution, Burke had shown 'an intention to injure him' because Pitt had accused him of wanting to introduce 'republican principles' into the new Canadian constitution. Fox thought that 'the British Constitution in theory was imperfect and defective, but that in practice it was excellently adapted to this country', although capable of improvement. When Burke had supported Dunning's resolution about the influence of the Crown in 1780 he had implied that there was a case for reform.

If original rights were totally to be disregarded, Mr. Fox said, he should contend that the resistance of Parliament to Charles the First, and the resistance of 1688, had been very unjustifiable; but the original rights of men were, in his opinion, the foundation of all governments, and all constitutions, which were a compact between the governors and the governed, binding on both sides. He would not say that the Government of France was good; it was undoubtedly capable of improvement and would be amended by degrees.

The French had, however, 'made their new government on the best of all principles for a government, viz. The happiness of the people who were to live under it'. He and Burke had joined in opposing Pitt's government, 'supporting the true principles of the British Constitution and watching the Prerogative'. If Burke had changed his views, he had not. 'Mr. Fox noticed the hard and cruel manner in which his Right Honourable Friend had used him, and spoke feelingly of the pain it had given him.'

*Mr. Burke* rose directly and said: the tenderness which had been displayed in the beginning and conclusion of the speech, had been completely done away by what had occurred in the middle part. Under the mask of kindness for him, an attempt had been made to injure his character, and attack the whole of his public conduct. The event of this night's debate, in which he had been interrupted, without being suffered to explain, in which he had been accused, and had not been heard, made him at a loss now to understand what was party or friendship. He had, indeed, as had been alledged, proposed a reduction of the power of the Crown; but he had proposed it only so far as he considered it necessary; and though his views had not been complied with, no bad consequences had followed.<sup>1</sup> In 1784 an attack had been made, not upon the form, but upon the spirit of the Constitution. His opposition to this attack had been single and unsupported.<sup>2</sup> He had

<sup>1</sup> Fox had used Burke's Civil Establishment Act of 1782 as evidence that Burke was willing to support constitutional reform.

<sup>2</sup> The opposition had not chosen to divide the House on Burke's *Representation* of 14 June 1784.

not, indeed, succeeded in securing a remedy. He knew not, indeed, where the remedy was to be found. The evil arose from the People; and till they should be made sensible of the disease, how was it possible to apply the means of cure? He did not expect that his jests, that hasty or careless expressions should have been recorded against him, and mustered up in the form of accusation.<sup>1</sup> And yet all this was done under the mask of friendship! He had been charged with inconsistency, but he desired that there should be shewn one word, one expression, one act or occasion, in which he had discovered the smallest inconsistency. It had been said, that the British Constitution might in some points be amended.—But had he ever affirmed that it, or any other human Constitution, might not? It had been charged upon him, that he thought it necessary to abuse every other Constitution, in order to praise the British.<sup>2</sup>—But had he ever displayed any such spirit? On the contrary, he should never have thought it necessary to bring forward the French Constitution as the subject of animadversion, had not attempts been made to introduce the monster into this country. He had heard the Honourable Gentleman, who now appeared as so violent an advocate of the French Constitution, say, that the King of France was the best intentioned Sovereign in Europe.<sup>3</sup> This King might now be said to be in gaol. In consequence of his good nature, indeed, he had been ruined. He had gone on from concession to concession—from the grant of one indulgence to another, till at last he found himself deprived by his subjects of his own rights, thus holding out a memorable lesson to all Monarchs to be watchful in preserving their privileges, and cautious in guarding against the incroachments of their subjects.<sup>4</sup> Political truth, it had been said, gains by discussion, but it was surely not that sort of discussion which had taken place this evening, in which his facts had not been allowed to be produced, and his arguments had not been heard. A serious danger, as he had stated

<sup>1</sup> Fox recalled that in the debate on the Address on the King's speech on 6 December 1782, Burke had 'ridiculed' a passage in the speech lamenting that the American colonies would be deprived of monarchical government, by comparing it to 'a man's opening the door after he had left a room, and saying, "at our parting, pray let me recommend a Monarchy to you"'. Newspaper reporters seem not to have caught these words in a speech that one described as 'in a vein of wit, argument and satire' in which it would have been 'vain to attempt to follow' Burke (*Parker's General Advertiser*, 7 Dec. 1782).

<sup>2</sup> Fox had said that he 'objected to every man being expected to have his personal principles put to the test by his being obliged to abjure every other constitution'.

<sup>3</sup> The occasion on which Fox said this has not been identified.

<sup>4</sup> As 'King of the French', Louis XVI under the new constitution exercised executive powers delegated to him by the nation as supreme chief of the general administration of the kingdom. He had no more than a suspensive veto on the decrees of the unicameral Legislative Assembly.



before, and would not now repeat, was to be apprehended from the introduction of the principles of the new French Constitution into this country. If there should be formed in this country a party, however small, who might join with those abroad, what evils might not ensue? However small might be the party inimical to the Constitution, in this country, yet they were not less to be dreaded, they would not want the support of numbers. The Constitution of this country leans to Monarchy. It was necessary that all parts of it should be defended together. All the parts of the Constitution had been now attacked. Libels were circulated against the Constitution by Societies, who assumed the name of Constitutional.<sup>1</sup> Nay, libels were circulated through the country in the name of the Crown, and under the pretended sanction of his Majesty's Ministers, and from that authority, recommended to the perusal and attention of the people. Such libels, issued in the name of the Crown, and eagerly devoured by the ignorant and hot-headed multitude, had been, in a great measure, the source of the evils in France, and their progress was to be guarded against in this country.<sup>2</sup> The new Constitution in France had been called a Stupendous Fabric of Wisdom.<sup>3</sup> He had thought that the Honourable Gentleman had possessed a better taste in Architecture, than to bestow this magnificent epithet on a building composed of untempered mortar. For his own part, when he saw the new temple, he wept. He considered it as the work of Goths and Vandals, where every thing was out of place, disjointed, and inverted. It had been said, that he did not love tests,<sup>4</sup> yet, if his intimacy should be renewed with the Honourable Gentleman he might explain to him, that it was necessary that some evil should be suffered in order to obtain a greater good. In France, it had been asserted by the Honourable Gentleman, prevailed the largest religion toleration.<sup>5</sup> It would

<sup>1</sup> The Society for Constitutional Information.

<sup>2</sup> In the *Oracle* account Burke was reported to have said: '... we were attacked by seditious Clubs, annoyed by seditious Pamphlets, and suffered from the thundering anathemas of seditious Preachers. These Gentlemen were equally kind in the distribution of their favours. They wantonly attacked the Commons, the Lords, and the Crown: and societies were formed to recommend PAINE'S *Rights of Man*, MACKINTOSH'S *Vindication of the French Revolution* [*Vindiciae Gallicae* by James Mackintosh (1765-1832)] and other abominable and dangerous publications.' It was 'owing to similar Libels that the antient Government of France had been subverted'. The 'libels, issued in the name of the Crown' have not been identified.

<sup>3</sup> On 15 April Fox had praised the new French constitution in terms that alarmed and mortified Burke. Newspapers had reported him as calling it a 'glorious' or a 'stupendous' 'fabric'.

<sup>4</sup> Fox had said he was 'an enemy to all tests, whatever, as he had previously thought the Right Honourable Gentleman was'.

<sup>5</sup> Fox had said that 'France had established a complete, unequivocal toleration, and he wished that complete toleration was also established in England.'

be judged of what nature was that toleration, when it was understood that there the most cruel tests were imposed. Nay, tests were imposed for the most inhuman of all purposes, in order to deprive those of whom they were exacted of their bread. The treatment of the Nuns was too shocking almost to be mentioned—These wretched girls, who could only be animated by the most exalted religious enthusiasm, were engaged in the most painful office of humanity, in the most sacred duty of piety, visiting and attending the hospitals. Yet these had been dragged into the streets—these had been scourged by the Sovereigns of the French Nation, because the Priest, from whom they had received the Sacrament had not submitted to the Test.—This proceeding had passed not only unpunished, but uncensured.<sup>1</sup> Yet in the country in which such proceedings had happened, had been said to subsist, the largest religious toleration. The present state of France was ten times worse than tyranny. The new Constitution was said to be an experiment; but it was not true. It had already been tried, and been found to be only productive of evils. They would go on from tyranny to tyranny, from oppression to oppression, till at last the whole system would terminate in the ruin and destruction of that miserable and deluded people. He stated that his opinion of the Revolution in America did not at all militate with his opinion of the Revolution of France. In that instance he considered that the people had had some reason for the conduct which they had pursued. There was an expression of his, which had been taken exception at—“well-disciplined troops”. He only meant that every body of men who acted upon a method, and in concert, were well-disciplined.<sup>2</sup> He was sorry for the present occasion. Sufficient to the day was the evil thereof.<sup>3</sup> Yet let the evil be to him, if the good was to many. He hoped that they would not barter the Constitution, of his country, the eternal jewel of their souls, for a wild and visionary system, which could only lead to confusion and disorder. With regard to pretences of friendship, he must own that he did not like them, where his character and public conduct, as in the present instance, had been so materially attacked and

<sup>1</sup> The Civil Constitution of the Clergy of 1790 required clerics to swear an oath of loyalty if they were to continue to administer the sacrament. Many refused. The nuns whose plight moved Burke probably belonged to one of four Parisian convents, whose chapels were closed in April 1791 because their clergy would not take the oath. He may have seen an account of nuns being beaten and abused by market-women to make them ‘change their confessors to those that were more attached to the present government’ (*Public Advertiser*, 28 Apr. 1791).

<sup>2</sup> Burke is responding to Fox’s protest at his choice of words, see above, p. 343, n. 1.

<sup>3</sup> ‘Sufficient unto the day is the evil thereof’, Matt. 6: 34.

injured. The French principles in this country he had been told would come to some head. It would then be perceived what were their consequences. Several of the Gentlemen were young enough to see a change. They would be enterprising enough to act a part. It would then be seen whether they would be borne on the top, or encumbered in the gravel. In going along with the current, they would most certainly be forced to execute, and approve, many things very contrary to their own nature and character.<sup>1</sup>

Pitt closed the debate. The absence of Lord Sheffield from the House permitted it, he suggested, to assume that his motion that Burke had been speaking out of order could be withdrawn and he also assumed that Burke would withdraw his amendment.<sup>2</sup> The examination of the clauses of the Quebec Bill would have to be postponed for another day. He noted that Burke had said that he 'was to receive no support from him, nor from any near him in his argument that day'. On the contrary, 'He thought the Right Honourable Gentleman entitled to the gratitude of his country, for having on that day in so able and eloquent a manner stated his sense of the degree of danger to the Constitution that already existed', and assured Burke of his future support in preserving the constitution. The House adjourned at half-past midnight.

<sup>1</sup> The *Oracle*, 7 May 1791, gave a much fuller account of Burke's conclusion in which he vented his fury against Fox. Some passages were put into inverted commas, presumably to indicate a verbatim account. He said of Fox: "He has been pleased to bestow many encomiums upon me, as his *Master*; but his invitation to a combat reversed the order of things, for the *Scholar*, right or wrong, was resolved to *whip his kind Master*! The whole tenor of his argument proves, that my friendship is unworthy of his acceptance. I feel the misfortune, but I feel it like a man! The torrent of odium which has been produced, and the reprobation of all mankind, will not make me swerve from my duty by the smallest alteration of sentiment! To his representation of me as a fool, he opposes his compassion and tenderness; but my character is paramount to every consideration, and I will abide by the consequence!!!" — The late Dr PRICE [Price had died on 19 April] or Dr. PRIESTLEY, somewhere affirms, that from urgent calamities, a time may arrive when the People would be forced to examine the State of the Nation; but Mr. BURKE, without any pretensions of penetrating into remote causes, alledged, that were they not careful to provide against impending danger, a storm would arise, whose wind, current, or tide, would involve us in the most dreadful disasters, and baffle every effort of resistance. "The seeds which these Gentlemen are now sowing, will spring up into a rank and poisonous quality and become bitter bread to them hereafter!!!" Now is the time for Parliament to certify its reprobation of these dangerous doctrines! The Honourable Gentleman, not recently arrived from College, having sat about twenty-four years in that House, cannot pretend to be such a young theorist as not to know, that by espousing these principles, he has attacked the sacred walls of the Constitution. Although supported by no side of the House, yet he liked to deliver his plain and honest sentiments. "My want of aid to maintain the conflict may afford those Gentlemen some degree of triumph. Let he and his Associates enjoy it. I envy not their victory. Driven to the wall, forced to the greatest extremities, abandoned by those with whom I have formerly co-operated, I may summon the utmost vigour, and repel the attacks of my foes by bringing forward the proposition now so urgently demanded."

<sup>2</sup> Burke had moved an amendment to Lord Sheffield's motion that his dissertations on the French constitution were out of order: dissertations showing that the constitution tended to 'anarchy and confusion and the destruction of liberty and property' were 'applicable to the question before the committee'.

## Speech on Quebec Bill

### 11 May 1791

Source: *Oracle*, 12 May 1791; *Diary*, 12 May 1791.

The longest newspaper report of the debate appears to be that in the *Diary*, 12 May 1791. Other long versions appeared in the *Morning Chronicle*, the *Oracle*, and the *Star*, all on 12 May. *Parl. Reg.*, xxix. 381, 385, 395–402, 404–5 drew three of Burke's four contributions from the *Diary*, basing the first one on the *Star*. This was repeated in *Parl. Hist.*, xxix. 409, 418–23, 426. The text that follows also uses the *Diary* for the second, third, and fourth of Burke's contributions, but substitutes the interesting and coherent version of the first speech in the *Oracle*, 12 May 1791. Significant variations from other papers, especially the *Oracle* and the *Morning Chronicle*, are given in the footnotes.

Burke's lengthy interventions and Fox's rejoinders had ensured that no progress was made on 6 May, the first day allocated to the examination in committee of the bill for the government of Quebec. When the Committee of the Whole House resumed its discussion of the bill on 11 May, Burke professed himself willing to debate the clauses of the bill 'point by point'. He did indeed make some contributions to discussion of at least two of the clauses, but was again drawn into wider questions about the French Revolution and the threat to the constitution from within Britain and to lamenting that he had been driven out of his party and had become an isolated individual in politics. Fox made substantive criticisms of the bill, but also felt it necessary to defend himself against Burke's accusations. Burke's first contribution to the debate was to support the proposal that the old colony of Quebec should be divided into a largely Anglophone Upper Canada and a largely Francophone Lower Canada.

Mr. BURKE was of opinion, that the proposed division of Canada would contribute much to the better Government of that Country. I am no friend, said he, to those absurd demagogues who deal out their Governments by the foot, and establish their Political Science on the Rules of Arithmetic;<sup>1</sup> but in as far as this geographic distinction of Canada involves with it a moral distinction also, I am an advocate for the measure. It is, in my poor opinion, the part of a wise man to act from what he knows, and to follow principles ascertained by long experience, rather than to wander after this new *ignis fatuus*,<sup>2</sup> the *Rights of Man*, or to lose himself in the pursuit of Theories as much unknown as the North West Passage.<sup>3</sup> Of the primitive, *ab origine* nature of Man, I hold it ridiculous and unprofitable in matters of Government to dispute; but to that Second Nature of Man, founded on his Habits, his Prejudices, his National Sympathies, that Nature of which we are certain, and on which of course we can form a stable opinion, I maintain, that all Political Science should be referred. I will not,

<sup>1</sup> A reference to the reorganization of France.

<sup>2</sup> False light.

<sup>3</sup> In April 1791 two ships under the command of George Vancouver (1758–98) had sailed for the Pacific. This was the latest of a long succession of attempts to find the North West Passage, an ice-free route round the North American continent.



therefore, with those Gentlemen who have lately attempted to methodize Anarchy—those Apostles I mean of the new doctrine—I will not like them consider the Inhabitants of Canada merely as a man, but as a Canadian man,<sup>1</sup> or an Englishman; I will not, I say, consider him in the naked metaphysic abstract of man, but as a man to whom Nature has given a *local habitation and a name*; as a man made up of certain prejudices, sympathies and predetermined dispositions. According to this mode of reasoning (an old-fashioned mode, I confess, but in my opinion a just one), I most heartily agree in the propriety of governing the ancient Canadian by those laws that he has been taught from his infancy to venerate;<sup>2</sup> and of giving on the other hand to the Englishman that Constitution which has been long, and which I hope and trust will ever be the just object of his love and admiration. That Constitution so long as I shall sit in Parliament, *which will not be long*, it shall ever be my glory to support. Standing singly as I do, *and unconnected with either Party*, I shall discharge my duty by giving my opinion on the several Clauses of the Bill, point by point as they occur.

Later in the debate, Burke intervened in a discussion about the nature of the legal systems currently in force in Quebec, especially in regard to commercial law.

Mr. Burke said, the Question was, whether the English Laws were or were not better than the French Laws. He repeated what he had formerly said, that the English in Canada were attached to the English Constitution and to the English Laws, and that the French, from their prejudices, were equally attached to the Canadian laws. Mr. Burke made some observations on the difference between Debtors and Creditors, who were landholders, and those who stood in that relation merely from Commerce. He perfectly concurred, Mr. Burke said, in opinion with what had been advanced with so much propriety by Mr. Grant.<sup>3</sup> The English ought to enjoy the English Constitution and the French the old Canadian Constitution. Those

<sup>1</sup> A man of French origin.

<sup>2</sup> Pitt had explained that under the bill it was proposed to enable the Canadians of French origin to keep the version of French civil law to which they were accustomed and which had been guaranteed to them under the 1774 Quebec Act. Burke, who had questioned the attachment of French Canadians to French law in the 1774 debates (vol. ii, p. 473), was now in no doubt that the French must be accorded the use of French law.

<sup>3</sup> William Grant (1752–1832) had been in Canada from 1775 to 1777, briefly serving as Attorney General of Quebec. He had explained that the commercial law applied in the French courts, the most contentious issue for British merchants trading in Canada, was not essentially different from English commercial law, except in cases of insolvency.

colonies ought to be considered both with regard to Commerce, and also with regard to their own internal happiness.<sup>1</sup>

On the clause of the bill setting up nominated legislative councils for the two Canadas, Fox spoke at length. He accepted the need for an aristocratic element in government, but felt that in the circumstances of a colony a nominated second chamber could not be an effective check on the Governor. There must be an elected body, but there should be high property qualifications both for members of the council and for those who elected them. To attempt to introduce into Canada an order of nobility, as the bill proposed, would be entirely inappropriate, given the present state of Canadian society. Fox concluded by stressing that this did not mean that he was opposed to aristocracy in principle. He was 'so far a republican that he approved all Governments where the *res publica* was the universal principle, and the People, as under our Constitution, had considerable weight in the Government'. Burke tried to reply, but gave way to Pitt, who strongly advocated 'hereditary honours being derived immediately from the Imperial Crown'. Burke again tried to speak, but Michael Angelo Taylor followed Pitt.

Mr. *Burke* began with observing on Mr. Taylor's having interrupted him, but had apologised for so doing, with great good humour on the subject. The Honourable Gentleman, he said, had laughed first, and communicated the laughter to others;<sup>2</sup> he hoped, therefore, that as the House had possibly had their laugh out, they would indulge him with a patient hearing. Mr. *Burke* said he had served the House and the country in one capacity or other twenty-six years, five and twenty of which he had spent within those walls. He had wasted so much of his life to a precious purpose, if that House would at last countenance a most insidious design to ruin him in reputation, and crown his age with infamy. For the best of the time, Mr. *Burke* said, he had been a very laborious and assiduous, though a very unimportant, servant of the publick. He had not, he declared, been used with friendship; but if he was separated from his party, and left alone by them, he hoped to meet a fair open hostility, to which he would oppose himself in a fair manly way for the very short period that he would continue a Member of that House. He felt deeply wounded but *jam certus eundi, carpebat somnus*.<sup>3</sup> With regard to the friendly censures that a Right Honourable Gentleman had cast on him, he felt the difficulty he had experienced the other night, in a peculiar degree at that moment, because

<sup>1</sup> Burke concluded, according to the *Morning Chronicle*, 12 May 1791, that if English law was made general, the consequence would be 'to render Landed Property liable for Commercial Debts and thus put it into the hands of the English Merchant'.

<sup>2</sup> Taylor said that he had laughed at Pitt's 'expressing his satisfaction at finding that Mr Fox's principles were constitutional'.

<sup>3</sup> [Aeneas] now was set to leave; he snatched some sleep: Virgil, *Aeneid*, iv. 554-5.

if he should reply to a Right Honourable Gentleman near him, on his idea of a Legislative Council for Canada,<sup>1</sup> and should say that his sentiments were too democratical, he should then be liable to be pointed out as invidiously designing to prevent the Right Honourable Gentleman's preferment, by describing him as unworthy of his Monarch's favour;<sup>2</sup> and if, on the other hand, in observing on the different suggestions of the Right Honourable Gentleman over the way, he should state that they appeared to him to be too favourable to monarchy, then he might be said to have charged the Right Honourable Gentleman with holding principles of despotism, which would render the Right Honourable Gentleman liable to the disfavour of that House, and of the Crown, both of whom he ought to honour and respect. Mr. Burke said further, that in consequence of the turn the conversation between the Right Honourable Gentleman and himself had taken the other night, he had heard there was an intention to *make* or *take* an occasion of imputing whatever he might say, to a base premeditated artifice on his part, to make the Right Honourable Gentleman pass for a Republican in order that he might sooner get into power himself. He had found this design conveyed to him as a secret, but the very next day *a plot! a plot!* was cried out in one of the common news-papers, which was wholly ascribed to him. [Mr. Burke here read from a daily newspaper, an intimation that an account of such a plot had been received by the Editor, but that for prudential reasons, he did not choose to print it.]<sup>3</sup>

Taylor tried to call Burke to order, but was prevented from doing so.

Mr. *Burke* resumed his argument, contending that he had a right to be heard, while he endeavoured to clear himself from the foul conduct that

<sup>1</sup> Fox urged that the new Canadian legislative councils should be elected rather than nominated.

<sup>2</sup> On 6 May Fox had complained that what Burke had just said seemed 'to confirm the insinuation urged against him, that of having maintained Republican principles as applicable to the British constitution'. An account of Fox's suspicion of Burke's motives appeared in the *Annual Register . . . for the Year 1791*, pp. 265-6: 'The King, it was said and believed, had lately and at different times used some expressions very favourable to Mr. Fox. The minister, it was reported, in order to secure himself in his situation, had given out the watch-word that Mr. Fox was by principle a republican; and it was supposed that, in pursuance of this plan he instigated Mr. Burke to bring forward, on the present occasion, a discussion of French principles and an attack on Mr. Fox in the House of Commons.' On 21 April Fox had called on Burke, 'who denied the existence of any such plot . . . but avowed his intention of entering fully into a discussion of French principles. Mr. Fox requested that this discussion might be postponed for some time, and not take place on the recommitment of the Quebec bill. The effect of Mr. Burke's refusal to comply with his request, on the mind of Mr. Fox, though naturally generous and above suspicion, may be easily conjectured.'

<sup>3</sup> Burke read from the *Argus*, 22 Apr. 1791, see below, pp. 386-7.

had been imputed to him. Would the House, he asked, think he was a fit man to sit there while under the imputation that he had described? If he had wished to attack the Right Honourable Gentleman for his opinions on what had happened in France, he was free to do it any day that he chose; as the Right Honourable Gentleman had sufficiently often avowed those opinions in that House. Finding himself, without any cause, separated and excluded from his party, it was a loss that he severely felt; but while he felt like a man, he would bear it like a man. He denied he had ever imputed democratic principles to the Right Honourable Gentleman with a view to hurt him in the mind of his Sovereign, and if he had pushed him to a declaration of his principles, the speech of the Right Honourable Gentleman that day would prove whether he was likely to have attained his end, if he had wished to draw from him a declaration of democratic principles? In the conversation the other evening, the Right Honourable Gentleman had said that he had written a book, which he thought it seasonable and proper for him to go about and reprobate in the whole, and all its essential parts and principles,<sup>1</sup> [a call of *No! No!* from the Opposition Benches.] He rose therefore to justify himself in the face of that House and of his country, and in the face of an adversary the most able, eloquent, and powerful, that ever was encountered, and he was sorry to perceive, the most willing to rake up the whole of his opinions and conduct, in order to prove that they were abandoned by him with the most shameless inconsistency. He avowed the book and all it contained; when he wrote it, he did it to counteract the machinations of one of the most desperate and most malignant factions that ever existed in any age or country. He would still oppose the mischievous principles of such a faction, though he was unfortunate enough to stand alone, unprotected, supported with no great connexions, with no great abilities, and with no great fortune; and thus was he delivered over to infamy at the end of a long life, just like the Dervise<sup>2</sup> in the fable, who, after living till ninety in the supposed practice of every virtue, was tempted at last to the commission of a single error, when the Devil spit in his face as a reward for all his actions.<sup>3</sup> Had he, in order to

<sup>1</sup> See above, p. 346.

<sup>2</sup> *Darvesh*, later generally anglicized to 'Dervish'.

<sup>3</sup> Burke is quoting from the story of the hermit Santon Barsisa, and the Devil (e.g. see *Histories, Fables, Allegories and Characters, selected from the Spectator and the Guardian*, London, 1762, pp. 87–90). This story appears to have been a familiar one, easily recognized by contemporaries. An anonymous satirical print entitled 'Santon Barsisa and the Devil vide Burke's Speech' was published by I. Smith of Belton Street Long Acre on 18 May 1791. It shows Burke in hermit's garb being booted into the flames of hell by the devil in the form of Fox. Access to a copy of this scarce print in the Yale Center for British Art, Paul Mellon Collection (accession number 1981. 25. 1865) was kindly provided by the Center.



support Monarchy, said, the other evening, that it was right to abuse every republican Government that ever existed?<sup>1</sup> Had he abused America or Athens, or Rome, or Sparta? But everything had been remembered that he had ever said, or written, in order to render it the ground of censure and of abuse. He declared that he could not caution the House too much against what had passed in France, but he had not called that a Republick; no, it was

—The other shape  
 If shape it might be called, that shape had none  
 Distinguishable in member, joint, or limb;  
 Or substance might be call'd that shadow seem'd,  
 For each seem'd either; black it stood as night,  
 Fierce as ten furies, terrible as hell,  
 And shook a dreadful dart: what seem'd his head,  
 The likeness of a kingly Crown had on.  
 With wide Cerberian mouth full loud, and rung  
 A hideous peal.<sup>2</sup>

It was, he added,

A shapeless monster, born of hell and chaos.

After giving that, he said that the Right Honourable Gentleman's words had gone deep to his heart, when he told him, "he knew how to draw a Bill of Indictment against a whole people."<sup>3</sup> He knew not how to draw any such Indictment; but he would tell the House who could, viz. The National Assembly of France, who had drawn a Bill of Indictment against the people of St. Domingo.<sup>4</sup> He could draw a bill of indictment against murder, against arson, against felony, or he could draw such a bill against oppression, tyranny, and corruption, but not a bill against a whole people. After a great deal of remark and complaint, on the ground of matter personal to himself, Mr. Burke eventually came to consider the subject of the clause

<sup>1</sup> Fox had said on 6 May that it was 'the first time that ever he had heard a philosopher state that the way to do justice to the excellence of the British constitution was never to mention it, without at the same time abusing every other constitution in the world'.

<sup>2</sup> Milton, *Paradise Lost*, ii. 666–73, 656–7.

<sup>3</sup> Fox had contrasted Burke's saying in 1775 that he could not draw an indictment against the whole people of America with his apparent willingness to indict the people of France, see above, p. 338.

<sup>4</sup> According to the *Oracle*, 12 May 1791, Burke had said that in their dealings with the 'National Assembly of St. Domingo', the French National Assembly had 'displayed the whole of their government manifested—Liberality and Rights when referring to themselves and Despotism and Repression when referring to others'. On 12 October 1790 the National Assembly had declared that the powers that the assembly in St Domingue were exercising were illegal and had dissolved it.

before the House, and declared that the Right Honourable Gentleman opposite to him (Mr. Pitt) had spoken his sentiments much better and more eloquently than he could have done himself on that subject.<sup>1</sup> In a Monarchy, he declared, the aristocracy must ever be nearer to the Crown than to the Democracy, because it originated in the Crown as the fountain of honour, but in those Governments which partook not of any thing monarchical, the Aristocracy there necessarily sprang out of the Democracy.<sup>2</sup> In our own constitution undoubtedly, as the Right Honourable Gentleman<sup>3</sup> had well defined it, our aristocracy was nearer to the Crown than to the people, because it reflected the honours of the Sovereign. He must agree that a King of England was the root of the constitution, whereas in France, he was only, as he had stated himself to be, the First Minister. A King of England might, if he chose it, select any persons, however improper objects for honours; but he did not do so, because it would, as he well knew, bring his Crown into contempt; and therefore he exercised his prerogative in that respect cautiously and prudently. But could the King of France create Nobility? He could not because he was himself degraded and a prisoner; his orders, therefore, would not be respected, and respect ought ever to be the first attendant on Nobility. Mr. Burke went much at large into the constitution of the House of Lords, declaring that the honour of a Duke, a Marquis and Earl or a Viscount, were severally familiar to us; we knew the nature and origin of these honours. With us the Crown was the fountain of honour; in other Constitutions, the people said they themselves were. He spoke of the power of the Crown to create a new order, as it had done in Ireland,<sup>4</sup> and, he said, let the title given to the hereditary Nobility in Canada, be what it might, there could be no manner of doubt that those whom the King designed to honour would have more or less respect. Mr. Burke took notice of the suggestion of Mr. Fox, of having the Council *elective*, which he owned he had put forcibly, because that Right Honourable Gentleman never said any thing that was foolish; but he had gone beyond his point; it was true that we could not have in Canada ancient hereditary nobility as we had here, because we could not make that one hundred years old that was made but yesterday; but an Elective Council would clearly be a Democratical Council. Mr. Burke spoke much at length of the various sorts

<sup>1</sup> Pitt had said that he believed that 'a system of hereditary honours' could be extended to Canada.

<sup>2</sup> 'In the American Government, the Sovereignty was in the People, and they created the Aristocracy' (*Morning Chronicle*, 12 May 1791).

<sup>3</sup> Pitt.

<sup>4</sup> The Order of St Patrick, created in 1783.

of governments that had obtained in different colonies; in some there were Councils, others again had been a Government by charter, consisting of a Governor and a company, in which case, the settlement was governed by the Governor and freemen. He mentioned in particular the Mississippi scheme,<sup>1</sup> which had been of that nature, and quoted Douglas's remarks upon it.<sup>2</sup> He spoke of mere wealth alone as not a good ground for aristocracy, though wealth, he admitted, was a material thing in it. Undoubtedly, he said, there might be titles, and Baronettage, he thought, not an unfit one, as it was a species of hereditary honour, though not a Peerage; but in all those things, Mr. Burke said, they must resort to experience. He spoke of the various constitutions that had prevailed in our own Colonies before we lost them; that which approached nearest to perfection, he said had been that of Massachusetts,<sup>3</sup> and yet the Province rebelled; and so did the others, where different forms of Government prevailed. He did not therefore attribute the loss of our colonies to any form of constitution for them; that form was undoubtedly the best under which they were most flourishing and happy. He pointedly condemned what he called a *close* aristocracy, which he said, would prove a dead weight on any Government, counteracting and ultimately clogging its action; he recommended above all things an *open* aristocracy, and said, he had always thought that the Crown having in its power to make an Admiral, who had distinguished himself, a Peer, and decorate the old Nobility, by the infusion of new ones occasionally for their merit and their talents, one of the first and most excellent principles of the British constitution. Having much at large spoke to the Clause before he returned to a consideration of himself, he said, left alone as he was, he hoped the House would not consider him as a bad man, though he was excommunicated by his party, and was too old to seek another.<sup>4</sup> If his book stood an object of odium, he might possibly belong to a faction, but not to a party; and consequently could be of less use

<sup>1</sup> The Mississippi Company of John Law (1671–1729), the notorious financier, took over the French settlements in Louisiana between 1717 and 1720.

<sup>2</sup> 'Douglas' may be William Douglass, *A Summary Historical and Political of the First Planting, Progressive Improvement, and Present State of the British Settlements in North-America*, 2 vols., London, 1760. There are short accounts of Louisiana in vol. i, pp. 97, 103. (Suggestion owed to Richard Bourke.)

<sup>3</sup> Enacted in 1691. Under it the council was chosen by the assembly.

<sup>4</sup> According to the *Oracle*, 12 May 1791, Burke had said: 'Through five and twenty years of his life, he always acted with a Party—a Party which time had so thinned that there now remains of them only one Noble Lord and his Right Honourable *Friend*, when correcting himself, he immediately called, the Right Honourable *Gentleman*. In the intervening time, a Party or rather a *Faction*, were admitted, with which he had acted for a time, but with which he could no longer act nor hold communion, while the principles of his Book were by them reviled and ridiculed.'

to his country. He defined the distinction between a party and a faction. A party, he said, he had ever understood to mean a set of men, bound and united by principles to act together in watching over the conduct of Ministers, and taking care that nothing was done that was likely to prove injurious to the Constitution; whereas a faction did not draw together on any known principles, but was devoid of all principle of union and common interest. He said, his mentioning of *disciplined troops* had been deemed uncivil, when he meant no incivility.<sup>1</sup> Discipline he had ever considered as one necessary quality of party, and he trusted he had ever shewn himself reasonably a friend to discipline, which was that sort of connexion which made men act together as a compact body, having one common object, and professing to feel it in common with their leader. In that sense he had meant the word discipline the other evening, and he trusted that the gentlemen of the party, that had excluded him, would with their usual fairness continue to act against their common adversaries, on the common principles of public good, and not direct their weapons against a poor unfortunate man who had been twenty-six years exerting his best endeavours to serve his country. He gave an account of his first entrance into Parliament, declaring that he remembered that the first Question that he ever brought forward he lost;<sup>2</sup> the next he attempted, was to oppose the taking off the Duty of One Shilling from the Land Tax, being of opinion, perhaps weakly, that it was necessary to keep up the Taxes, altho' it was peace, in order the sooner to reduce the debt of the country, and nothing could prevail upon him to abandon his purpose. He had mentioned at the time, that he had laid his political principles very low, in order that they might stick by him, and he by them, all his life. He had done so, and he had seen, on one occasion, two great parties join against him, who had never acted together before, viz. Mr Grenville's party and the late Lord Rockingham's. Mr. Burke said, he had then persisted with the same pertinacity, as he had supported his unfortunate opinions on the French Revolution.<sup>3</sup> He complained of being obliged to stand upon his defence by that Honourable Gentleman who, when a young man, in the vigour of his abilities, at the age of fourteen years, had been brought to him, and evinced the most promising talents, which he had used his best endeavour

<sup>1</sup> On 6 May, see above, p. 343.

<sup>2</sup> Probably the Irish Soap Bill in May 1766 (*Corr.* i. 254–5).

<sup>3</sup> In February 1767 the Opposition groups led by Rockingham and George Grenville (1712–70) had combined to defeat the Chatham administration and force it to reduce the rate of the land tax from 4 shillings to 3 shillings. Burke absented himself from the debate because he disagreed with the line being taken by the Rockinghams (*Corr.* i. 296–7).



to cultivate;<sup>1</sup> and this man who had arrived at the maturity of being the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles. He said, at a time when there was not a plot indeed, but open and avowed attempts made by clubs and others, to circulate pamphlets and disseminate doctrines subversive of the Prerogative, and therefore dangerous to the Constitution, it was unwarrantable for any good subject to be day after day holding out a parade of Democracy, in order to set a mob raging against the Crown. It should not, and it ought not to be. The perpetually making violent and flaming panegyrics on the subject of what happened in France, he condemned as dangerous; and he said that he now supported the Monarchy, not that he thought it better than the Aristocracy or the Democracy, but because it was attacked, and endeavoured to be run down. In like manner when Lord George Gordon acted as a firebrand, and caused the proud city of London and of Westminster to bow its head to its very base, if they had joined in the cry against popery, was it not clear that they would have done infinite mischief? and yet he believed neither of the two Right Honourable Gentlemen, nor himself, were suspected of a violent attachment to Popery; but was that the hour to stand up for Protestantism? If they had been rash enough to do so, they must know that they would have clapped a firebrand to the pile, and not only the Metropolis, but all England would have blazed. Let them take warning by that event. Let them recollect that the mere suggestion that forty-thousand persons could not assemble in a room, for none was large enough to hold them, which appeared ridiculous and contemptible at first, had produced in one day, such dire peril and alarm, that all ranks of people felt indescribable apprehension, and knew not where to fly for safety.<sup>2</sup> Just so, there was a run against Monarchy, which was said to be the child of his wild ungoverned imagination: let them not rest securely on such a conception, but take care in time to prevent the possible effects. In what he had said upon the subject, he was conscious

<sup>1</sup> If Fox had been 14, this would have been in 1763. A fuller account of the origins of Burke's connection with Fox was written by French Laurence for the *Annual Register* for 1794. The piece seems not to have been published, but a proof survives. Fox's father, Lord Holland, Laurence wrote, had 'a very high opinion' of Burke 'and spoke of him as a man born to govern the country. It was natural therefore that he should wish such a man to be the friend of his favourite son. When a child Mr. Fox was taught to look up to him; and whilst still at school he was more formally introduced to him' (Beineke Library, Yale University, Osborn Files 8753, communicated by Richard Bourke). On 6 May Fox had said that 'when a boy almost', he had begun to receive favours from Burke and that their friendship had lasted for 'upward of twenty five years'.

<sup>2</sup> 40,000 was one of the estimates for the numbers that assembled on St George's Fields to march on Parliament to present a petition against concessions to Catholics.

that he had done his duty, and he hoped he had averted what unnoticed, might have tumbled the British Constitution in ruins. That being the case, separate and unsupported as he was, let not the party that had excommunicated him, imagine that he stood deprived of every comfort; though all was solitude without, there was sunshine and company enough within.<sup>1</sup>

In the closing stages of the debate Burke responded to a speech by Fox in which he had deplored 'fulsome and unnecessary praise' of the English constitution, citing Cordelia's reply to her father's question as to how much she loved him in Shakespeare's *King Lear*, '*he loved the constitution of Great Britain just as much as a subject of Great Britain ought to love a Government under which he enjoys such blessings*'. He succinctly summed up his differences with Burke: in his view, 'the Constitution of this country was more liable to be ruined by an increase of the power of the Crown than by an increase of the power of the people'.

Mr. Burke began his Reply with retorting on Mr. Fox, for what he had said respecting the eulogies on the Constitution, by declaring that they were at least as useful as that Right Honourable Gentleman's almost daily professions of admiration for the Revolution in France. As the Right Honourable Gentleman had thought proper to appeal to a passage from one poet on the praise of the Constitution, he would take the liberty of remembering another line from another Poet,

—*qui non defendit, alio culpante.*<sup>2</sup>

Mr. Burke also told the story of a Lacedemonian,<sup>3</sup> who observing a man for ever praising Hercules, asked who blamed him?<sup>4</sup> since he thought he was going to be put to the distaff, or to something worse than all his labours? He referred to the books that were in circulation,<sup>5</sup> and said, there was a serious cause for alarm, when associations publicly avowed doctrines

<sup>1</sup> "Clouded (said he) as my situation otherwise might be, all happily is sunshine there; and whatever external solicitude I may endure, I have internal company and comfort to support it" (*Oracle*, 12 May 1791).

<sup>2</sup> . . . fails to defend him from others' attacks: Horace, *Satires*, I. iv. 82.

<sup>3</sup> A Spartan, said to be Antalcidas (fl. c.390 BC).

<sup>4</sup> Plutarch, *Moralia*, 192C and 217D (identified by Michael Crawford and John North).

<sup>5</sup> Freedom of the press was a Whig ideal fervently upheld by both Burke and Fox. A bill sponsored by Fox was to become law in the following year, giving juries independence from judges in determining whether the matter in a Crown prosecution was or was not libellous. This bill was very close to one which Burke had strongly advocated in 1771 (vol. ii, pp. 343-9). By now, however, Burke differed from Fox on the use that should be made of prosecutions for seditious libel. Fox believed that 'free discussion of the principles of the Constitution ought to be suffered; if the Constitution had opposers, it would also have advocates, and the more it was discussed the better'. Burke feared the effect of seditious publications and considered that Paine ought to meet 'the refutation of criminal justice' (see below, p. 439); Fox thought that he should be left alone.

tending to alienate the minds of all who read them from the Constitution of their country,<sup>1</sup> especially at a time when it was notorious that it was systematically run down abroad, and declaimed against as the worst in existence. He again reminded the Committee, from how trivial a commencement Lord George Gordon's riots began, in consequence of which London bowed its head so low. Mr. Burke said, he had never desired any books to be prosecuted, but the Right Honourable Gentleman near him had more than once.<sup>2</sup> He took notice of what had been said, that if he would repent he would be received.<sup>3</sup> He stood, he said, a man publicly disgraced by his party, and therefore the Right Honourable Gentleman ought not to receive him. He declared he had gone through his youth without encountering any party disgrace; and although he had then in his age been so unfortunate as to meet it, he did not solicit the Right Honourable Gentleman's friendship, nor that of any other man on one side of the House or the other.

The Committee resolved to adjourn at midnight and to resume discussion of the bill on the following day. If he attended then or on other days when the Quebec Bill was being considered, Burke is not recorded as having spoken.

## Speech on Committee to Inquire into Imprisonment for Debt 12 May 1791

Source: *Diary*, 13 May 1791.

That carried by the *Diary* was the longest account of Burke's speech. A lengthy report with significant differences also appeared in the *Oracle*, 13 May 1791. The account in *Parl. Reg.*, xxix. 408-9 was based on the *Diary*'s version as was that in *Parl. Hist.*, xxix. 512-14.

The state of the law defining relations between creditors and debtors, especially the capacity of a creditor to confine a debtor at his will without any legal check, was a matter of very general concern. Burke fully shared in this concern. He had spoken in favour of a bill in 1780 which would have mitigated the confinement of insolvent debtors.<sup>4</sup> Believing that

<sup>1</sup> According to the *Morning Post* and the *Morning Chronicle* of 12 May 1791, Burke specifically mentioned the Revolution Society, the Constitutional Society, and the Unitarian Society.

<sup>2</sup> On Fox's motion the bookseller John Stockdale had been prosecuted for libelling the House of Commons over the Hastings trial (*Corr.* vi. 34).

<sup>3</sup> Fox had said that if Burke felt himself to be 'separated' from his former colleagues, 'it must be his own choice, and if he should repent that separation, he might be assured that his friends should ever would ever be ready to receive him, to respect him, and to love him, as heretofore'.

<sup>4</sup> Vol. iii, pp. 552-3.

his so doing was resented by his Bristol constituents, he had made a robust defence of his conduct in his *Speech at Bristol Previous to the Election*. He had then denounced the unchecked power to impose degrading confinement which creditors could exercise over debtors.<sup>1</sup> It was rumoured in 1782 that Burke would himself introduce a bill to reform the law of insolvency.<sup>2</sup> In 1791, when Charles Grey proposed the setting up of a committee 'to inquire into the practice and effect of imprisonment for debt', although Grey was one of the younger Foxites of whom he was particularly suspicious, Burke seconded his motion. After the Attorney General<sup>3</sup> had spoken in favour of the inquiry, Burke warmly commended it.

Mr. *Burke* rose, and thanked the Honourable and Learned Gentleman for his excellent speech. The Public, Mr. Burke said, were extremely obliged to the Honourable and Learned Gentleman for such exertions of judgement, prudence, and humanity, which latter constituted, as every body knew so striking a feature of his character. The public were also under many obligations to the Honourable Gentleman who had undertaken to bring forward so great, so laborious, and so delicate a business.<sup>4</sup> It would be necessary for him, in this case, Mr. Burke said, to sift the false pretences of persons, and to make a nice discrimination between what was real and what was affected. He never had an opportunity of bringing forward this subject himself, though he was always ready to give his best assistance to those of greater weight, by whom it was undertaken. The Motion furnished an awful monument of the difficulty of giving a definition of law. It has been said that it was a state of liberty in society, to be governed by law.<sup>5</sup> They had, Mr. Burke said, not only their prisons full, but they had a commonwealth of debtors, a commonwealth of prisoners; a commonwealth as numerous as many that had subsisted in ancient history.<sup>6</sup> These prisoners were not distinguished from slaves, but actually were slaves, existing in a country valuing itself on its laws, and boasting its freedom, but in which they endured a greater portion of slavery than ever had been exercised by the most despotic powers. It certainly was a blemish of our law to produce all the effects of the most horrible tyranny, and likewise all the effects of the most abject slavery. It was a paradox, strange and

<sup>1</sup> Ibid. 634–7.      <sup>2</sup> S. Chapman to Burke, 18 May 1782, MS. at Sheffield, Bk. 1. 1658.

<sup>3</sup> Sir Archibald Macdonald.

<sup>4</sup> According to the *Oracle*, 13 May 1791, Burke had stressed the importance of the law defining the relations of debtor and creditor to Britain's commerce, 'without which it would appear very insignificant in the eyes of Europe . . . Commerce depending upon the security which the Laws afforded to Property, to infuse a new portion of salutary strength, would produce new energies and invigorate the spirit of Trade.'

<sup>5</sup> 'He thought the laws respecting the debtor and creditor in his country the most barbarous and arbitrary that ever disgraced a civilized nation' (*Morning Post*, 13 May 1791).

<sup>6</sup> 'Prisons were not only crowded with Debtors, but imbibing the innovation of the times, they had formed themselves into *Republics* or *Commonwealths*, and like others, lived in anarchy and confusion' (*Oracle*, 13 May 1791).



irreconcilable. One thing, Mr Burke said, he wished to suggest to the Right Honourable Gentleman, which was, that it was not to be held, that this business was in all cases connected with commerce: the contracting of debts often happened among the lower classes of men in the common transactions of life, and were deemed civil suits, founded on false credit; commerce was too wise and too cautious to act upon such a fallacious principle; in cases of commerce, the creditor only wished to secure the *cessio bonorum*.<sup>1</sup> Not only in the trading part of the community, therefore, but every man in the kingdom was deeply interested in the enquiry: If the system of laws on the subject was a wrong one, it affects every body. If any alteration was introduced with regard to the imprisonment of Insolvent Debtors, it would be said, perhaps, that such alteration would affect public credit: he denied it. It would make men cautious and tend to protect them. There was no such thing, Mr. Burke said, as a corps of Debtors, there was no such thing as a corps of Creditors; debts were contracted by the rash and inconsiderate credit that was given. The power of the Creditor to seize the person of his Debtor was like a person grasping at real money, but finding his hands full of *assignats*.<sup>2</sup> He hoped the subject would be examined on the just and fair foundation of public credit; he hoped they would examine it on the fair examples of Debtor and Creditor. Debtor and Creditor should never, he said, be separated; they were one person, and what was for the benefit of the one, was evidently for the advantage of the other. Besides, Mr. Burke observed, where they had one man in jail, they had two or three that were in daily terror of imprisonment. If there were ten thousand in prison,<sup>3</sup> there were at least thirty thousand people shut out from the means of getting their bread, and either were in the prison of the mind, or the prison of terror. How many persons were there, who existed in the prison of flight, and in hiding places; who were a loss to society,

<sup>1</sup> The cession of goods by a debtor to a creditor.

<sup>2</sup> '... many Tradesmen . . . were seduced into harsh measures, in hopes of recovering their property or its full value, by which they frequently involved themselves in greater difficulties. A young Tradesman actuated by these motives, reminded him of the words of the Poet—

"A youth there was, and in the Muses' train,  
Was by the Muses loved, and not in vain."

Who pursuing his imaginary happiness, in hopes of more substantial bliss, it is said that

"He grasp'd at Love, and filled his hands with bayes."

[He catch'd at love, and fill'd his arms with bays', Edmund Waller, 'The Story of Phæbus and Daphne, Applied', line 20] (*Oracle*, 13 May 1791).

<sup>3</sup> The Attorney General had estimated that there were at that time 3,000 to 4,000 people confined for debt. Counting their wives and children, 'they would at least amount to ten thousand'.

and a dead-weight on the community! Thirty thousand at least were in that predicament, This, therefore, was a subject highly worthy of the wisdom and humanity of the Honourable and Learned Gentleman and also highly honourable to a young gentleman (Mr. Grey) of very great abilities who had taken it up, and made the motion. Mr Burke concluded with observing, that it was a disgrace to the law of this country, to say that it had imprisoned more than the most absolute power had done in any other country.

The motion for the appointment of a committee passed unanimously. Fox, Burke, and Pitt were among its members. The committee collected evidence, examined witnesses, and visited prisons. It reported in April 1792.<sup>1</sup> What contribution Burke may have made to its inquiries is unclear.

### *Appeal from the New to the Old Whigs*

Source: *An Appeal from the New to the Old Whigs, In Consequence of Some Late Discussions in Parliament, Relative to the 'Reflections on the French Revolution'*, 4th edition, London, J. Dodsley, 1791.

Burke's *Appeal from the New to the Old Whigs* was published on 3 August 1791. Burke made revisions in the second, third, and fourth impressions, all issued in 1791. The most significant changes involved reversing the order of the last two 'members' of the book (Todd, p. 173).

Angered and deeply hurt by what he interpreted as Fox's betrayal of a lifetime's friendship in his attack on him on 6 May, Burke had tried to refute Fox in the later stages of the debate and again on 11 May. A more considered reply in the form of a pamphlet, which he wrote in the third person, as by a sympathetic person expounding Burke's ideas, seemed to him to be required. Above all, he felt the need to vindicate the essential consistency of his beliefs throughout his career: 'it is on the virtue of consistency that he would value himself the most. Strip him of this, and you leave him naked indeed.'<sup>2</sup> He especially sought to establish his consistency on the question of America. Fox was only one of very many who accused him of adopting different standards towards the French and the American Revolutions. Burke emphatically rejected such charges. France and America had rebelled for entirely different reasons. The Americans had not rebelled to win their independence and to establish new constitutions based on new ideologies, because, as Fox alleged, they had not 'enjoyed liberty enough' in the British empire.<sup>3</sup> They had rebelled, as the English had done in 1688, because British governments were trying to take from the rights guaranteed to them by the British constitution. They should not have been 'subdued by arms', and had this succeeded, it would be 'fatal in the end to the liberties of England itself'.<sup>4</sup> Burke had serious misgivings about the initial constitutional experiments of the American states, but he seems to have been much relieved by the Constitution of 1787, which he had interpreted on 6 May as being 'as near to the principles of our Constitution' as a republic could be.<sup>5</sup> Thus the

<sup>1</sup> *Commons Sessional Papers*, lxxx. 263–357.

<sup>2</sup> See below, p. 391.

<sup>3</sup> See below, p. 395.

<sup>4</sup> See below, p. 397.

<sup>5</sup> See above, p. 329.

Americans had rebelled to preserve their British constitutional heritage and within a few years of independence had largely reverted to it. What was happening in France was utterly different.

In the *Appeal* Burke was determined to demonstrate that what he had written in the *Reflections* embodied the true doctrine of Whiggism handed down from the Glorious Revolution and carefully nurtured by the Rockingham connection. If, as he had been told, 'the great and firm body of the Whigs of England', from which he had been expelled, believed something else,<sup>1</sup> then they were wrong and must be corrected. A major part of the book is taken up with elaborate citations from what Burke took to be a canonical statement of beliefs by the 'old' Whigs: that is, the speeches of the Whig managers of the impeachment in 1710 of Dr Henry Sacheverell for preaching inflammatory sermons that seemed to deny the legitimacy of the Revolution of 1688.<sup>2</sup> Burke ransacked these speeches to vindicate the interpretation of the Glorious Revolution that he had put forward in the *Reflections*. In 1688, he argued, the English had not exercised their right to depose a king, but had been forced to do so by absolute 'necessity' because James II had grossly violated the constitution. This had not been an insurrection of the mass of the population exercising the power of sovereignty vested in them. It had been accomplished under aristocratic and gentry leadership and had involved the absolute minimum of change. In all respects, apart from the removal of James II, there had been no breach of continuity. Institutions had not been remodelled. In taking the English throne, William III intended to make no 'change whatever in the fundamental law and constitution of the state. He considered the object of his enterprise, not to be a precedent for further revolutions, but that it was the great end of his expedition to make such revolutions so far as human power and wisdom could provide, unnecessary.'<sup>3</sup> The French Revolution, in which everything was undergoing radical and ill-considered change, in the name of popular sovereignty but actually at the whim of a self-appointed leadership, was not remotely comparable to what had happened in England in 1688.

If Burke can have left his readers in no doubt as to who were the Old Whigs, the New Whigs, against whom he was appealing, were a rather diffuse target. In the first instance, they were clearly the party in Parliament which he supposed had rejected his views. He called them 'the new Whig party', but confessed that what their 'principles, the antipodes to his, really are' was hard to discern.<sup>4</sup> '[I]t will be difficult for the author of the *Reflections* to conform to the principles of the avowed leaders of the party, until they appear otherwise than negatively. All we can gather from them is this, that their principles are diametrically opposite to his.' He seems to have believed in reality that, although he had grave doubts about Fox's views and even more about Sheridan's, those of the bulk of party were almost certainly close to his, if they carefully considered the matter. Those who 'think with the French Revolution (if in reality they think at all seriously with it) do not exceed half a score in both Houses'.<sup>5</sup> Most professed Whigs were, however, likely to differ from him in that, although they might accept that France had been thrown into a turmoil from which the outcome was hard to predict, they still accepted that any change from the stereotype of a despotic monarchy had to be welcomed. For his part, Burke could not 'rejoice at the destruction of a monarchy, mitigated by manners, respectful to laws and usages, and attentive, perhaps but too attentive to public opinion, in favour of the tyranny of a licentious, ferocious, and savage multitude, without laws, manners, or morals'.<sup>6</sup> The ultimate failure for Burke of the great majority of his colleagues was that they did not believe that what was happening in France was any serious concern of theirs or that the

<sup>1</sup> See below, p. 370.<sup>2</sup> See below, p. 409, n. 3.<sup>3</sup> See below, p. 429.<sup>4</sup> See below, p. 390.<sup>5</sup> *Corr.* vi. 316.<sup>6</sup> See below, p. 368.

danger to Britain was at all threatening; so they were not willing to imperil party unity by asserting their views. He aimed to show them that tacit toleration of subversion was a most hazardous course.

To do this, he extended the category of New Whigs to include the 'clubs and societies', which he had been denouncing since his speech on the Army Estimates. He knew that their writings

are not owned by the *modern Whigs in parliament*, who are so warm in condemnation of Mr. Burke and his book, and of course of all the principles of the ancient constitutional Whigs of this kingdom. Certainly they are not owned. But are they condemned with the same zeal as Mr. Burke and his book are condemned? Are they condemned at all? Are they rejected or discountenanced in any way whatsoever?<sup>1</sup>

Much of the *Appeal* was concerned with showing why they must be rejected and discountenanced. Apart from a shot at Richard Price,<sup>2</sup> he did not so much take further direct issue with the members of the Revolution Society or the Society for Constitutional Information, who generally claimed to be Whigs but saw their Whiggery as the true old Whiggery of a radical Revolution that had later been perverted by the oligarchic Whigs whom Burke venerated. Rather, he turned on Thomas Paine. Paine was unlikely to call himself a Whig of any kind and had no interest in disputing with Burke about the 1688 Revolution, which he considered to have been rendered obsolete by the American and French ones.<sup>3</sup> He was later to write that the Old Whigs to whom Burke appealed were 'a set of childish thinkers and half-way politicians; . . . the nation sees nothing in such works or such politics worthy its attention'.<sup>4</sup> Burke clearly thought that space should be given to Paine, not for the intellectual content of what he wrote, which he regarded as contemptible, but because persistent and widely circulated criticism of Britain's constitution and other established institutions might in adverse circumstances undermine the most stable of regimes. Pre-revolutionary France had been a stable regime brought down in such a way. As a warning, he provided an anthology of passages from Paine, concluding; 'These are the notions which, under the idea of Whig principles, several persons, and among them persons of no mean mark, have associated themselves to propagate.'<sup>5</sup> Lumping together the parliamentary opposition with the radical societies and especially with Paine, whose *Rights of Man* Fox called a 'libel on the Constitution', was no doubt intended as a warning to his former colleagues, but it gave great offence and turned many of them against him.

Burke was to write of the *Appeal* that his design had been merely to defend himself against 'the extraordinary attacks of some of my late political friends'. He did not intend to 'go deeply into the abstract subject', which would require 'deep and large views of society and human affairs'.<sup>6</sup> Yet in certain sections of the *Appeal* this is precisely what he did, when he further elucidated, often in memorable phrases, some of the 'deep and large views of society and human affairs' that he had expounded in the *Reflections*.

He began early in the *Appeal* with the proposition that: 'Nothing universal can be rationally affirmed on any moral, or any political subject.'<sup>7</sup> Morality is not an abstract science; it is to be learned in specific contexts of human society. Men live in society under 'a permanent standing covenant', which entailed duties of all sorts. The

awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactick, not according to our will, but according to his, he has, in and by

<sup>1</sup> See below, pp. 457–8.

<sup>2</sup> See below, p. 419.

<sup>3</sup> See below, p. 437.

<sup>4</sup> *Rights of Man, Part II*, in E. Kuklick, ed., *Thomas Paine: Political Writings*, revised edn., Cambridge, 2000, p. 158.

<sup>5</sup> See below, p. 439.

<sup>6</sup> *Corr.* vi. 303.

<sup>7</sup> See below, p. 383.



that disposition, virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relations of man to God, which relations are not matter of choice.<sup>1</sup>

'[O]ut of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform.'<sup>2</sup> These tied parents to children, husbands to wives, members of communities to one another, and ultimately 'we are all bound by that relation called our country'.<sup>3</sup> When 'great multitudes act together' within a country, Burke recognized a 'people'. The 'crowd of men on the other side of the channel, who have the impudence to call themselves a people' were nothing of the kind.<sup>4</sup> Peoples evolved over a long period of time with very complex patterns of relations between their constituent parts. Essential to the well-being of any people was the leadership of an elite of 'the wiser, the more expert, and the more opulent'. 'A true natural aristocracy is not a separate interest in the state or separable from it. It is an essential integrant part of any large people rightly constituted.'<sup>5</sup>

The new French, who had totally subverted the existing structures of their society, were not a 'people rightly constituted'. Nor did the new system of government arise from the will of the people, rightly understood. Power had been usurped in the name of 'the people' and what was claimed to be a majority of them were invested with the authority to remake society and institutions according to their will. This was subjecting 'the sovereign reason of the world to the caprices of weak and giddy men'.<sup>6</sup> Not only had their efforts plunged France into chaos and inflicted great suffering, but their undertaking was a 'foul, impious, monstrous thing, wholly out of the course of moral nature'.<sup>7</sup> Were Britain to follow the course of France, this would be its fate.

The British must cleave to their constitution. Those who sought to reform it according to their own theories acted in ignorance and presumption. The virtues embodied in the 'matchless constitution' were beyond question for Burke and are rehearsed at many places throughout this volume. Towards the end of the *Appeal*, however, he embarked on a particularly elaborate exposition of them as a system of checks and balances. 'The whole scheme of our mixed constitution is to prevent any one of its principles from being carried as far, as taken by itself, and theoretically, it would go.' Each of its elements checked the others.

To avoid the perfections of extreme, all its several parts are so constituted, as not alone to answer their own several ends, but also each to limit and control the others: insomuch, that take which of the principles you please—you will find its operation checked and stopped at a certain point. The whole movement stands still rather than that any part should proceed beyond its boundary. From thence it results, that in the British constitution, there is a perpetual treaty and compromise going on, sometimes openly, sometimes with less observation. To him who contemplates the British constitution, as to him who contemplates the subordinate material world, it will always be a matter of his most curious investigation, to discover the secret of this mutual limitation.<sup>8</sup>

The British constitution was thus 'a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and above all with the institutions formed for bestowing permanence and stability through ages, upon this invaluable whole'.<sup>9</sup>

If the main lines of the argument of the *Appeal* are concerned with Burke's self-justification, above all against the strictures of Fox, and with his warnings against

<sup>1</sup> See below, p. 442.

<sup>2</sup> See below, p. 443.

<sup>3</sup> See below, p. 443.

<sup>4</sup> See below, pp. 447, 449.

<sup>5</sup> See below, p. 448.

<sup>6</sup> See below, p. 441.

<sup>7</sup> See below, p. 376.

<sup>8</sup> See below, p. 471.

<sup>9</sup> See below, p. 473.

the depravities being committed across the Channel and the dangers that they posed to Britain, it was a characteristically digressive work with rewarding excursions in other directions. Many contemporaries were struck by Burke's enthusiastic endorsement of the changes being brought about in Poland, which seemed to contradict his aphorism that 'Every revolution contains in it something of evil'.<sup>1</sup> He also revealed a remarkable acquaintance with the chronicles of late medieval England, which he put to polemical use in comparing the pretensions of those involved in the Peasants' Revolt of 1381 to those of the reformers of his own time.<sup>2</sup>

Publication of the *Appeal* 'within a few days' was announced in the press on 18 June, but Burke continued to work on the text by the sea at Margate and did not return all the corrected proofs until 27 July. The book appeared on 3 August with a first print-run of 2,000 copies.

At Mr. Burke's time of life, and in his dispositions, *petere honestam dimissionem*<sup>3</sup> was all he had to do with his political associates. This boon they have not chosen to grant him. With many expressions of good-will, in effect they tell him he has loaded the stage too long. They conceive it, tho' an harsh yet a necessary office, in full parliament to declare to the present age, and to as late a posterity, as shall take any concern in the proceedings of our day, that by one book he has disgraced the whole tenour of his life.<sup>4</sup>— Thus they dismiss their old partner of the war. He is advised to retire, whilst they continue to serve the public upon wiser principles, and under better auspices.

Whether Diogenes the Cynic was a true philosopher, cannot easily be determined. He has written nothing. But the sayings of his which are handed down by others, are lively; and may be easily and aptly applied on many occasions by those whose wit is not so perfect as their memory. This Diogenes (as every one will recollect) was citizen of a little bleak town situated on the coast of the Euxine,<sup>5</sup> and exposed to all the buffets of that inhospitable sea. He lived at a great distance from those weather-beaten walls, in ease and indolence, and in the midst of literary leisure, when he was informed that his townsmen had condemned him to be banished from Sinope; he answered coolly, "And I condemn them to live in Sinope."<sup>6</sup>

<sup>1</sup> See below, pp. 462–4 and p. 473.

<sup>2</sup> See below, pp. 450–3.

<sup>3</sup> To achieve an honourable discharge.

<sup>4</sup> In the debate on 6 May Fox had said that he condemned the *Reflections* 'both in public and in private and every one of the doctrines it contained'.

<sup>5</sup> The Black Sea.

<sup>6</sup> This anecdote about Diogenes the Cynic (c.412–323 BC) is attributed to the third-century AD biographer Diogenes Laertius.

The gentlemen of the party in which Mr. Burke has always acted, in passing upon him the sentence of retirement,\* have done nothing more than to confirm the sentence which he had long before passed upon himself.<sup>1</sup> When that retreat was choice, which the tribunal of his peers inflict as punishment, it is plain he does not think their sentence intolerably severe. Whether they who are to continue in the Sinope which shortly he is to leave, will spend the long years which, I hope, remain to them, in a manner more to their satisfaction, than he shall slide down, in silence and obscurity, the slope of his declining days, is best known to him who measures out years, and days, and fortunes.

The quality of the sentence does not however decide on the justice of it. Angry friendship is sometimes as bad as calm enmity. For this reason the cold neutrality of abstract justice, is, to a good and clear cause, a more desirable thing than an affection liable to be any way disturbed. When the trial is by friends, if the decision should happen to be favorable, the honor of the acquittal is lessened; if adverse, the condemnation is exceedingly embittered. It is aggravated by coming from lips professing friendship, and pronouncing judgment with sorrow and reluctance. Taking in the whole view of life, it is more safe to live under the jurisdiction of severe but steady reason, than under the empire of indulgent, but capricious passion. It is certainly well for Mr. Burke that there are impartial men in the world. To them I address myself, pending the appeal which on his part is made from the living to the dead, from the modern Whigs to the antient.

The gentlemen, who, in the name of the party, have passed sentence on Mr. Burke's book, in the light of literary criticism are judges above all

\* News-paper intelligence ought always to be received with some degree of caution. I do not know that the following paragraph is founded on any authority; but it comes with an air of authority. The paper is profess- edly in the interest of the modern Whigs, and under their direction. The paragraph is not disclaimed on their part. It professes to be the decision of those whom its author calls "The great and firm body of the Whigs of England." Who are the Whigs of a different composition, which the promulgator of the sentence considers as composed of fleeting and unsettled particles, I know not, nor whether there be any of that description. The definitive sentence of "the great and firm body of the Whigs of England" (as this paper gives it out) is as follows:

"The great and firm body of the Whigs of England, true to their principles, have decided on the dispute between Mr. Fox and Mr. Burke; and the former is declared to have maintained the pure doctrines by which they are bound together, and upon which they have invariably acted. The consequence is, that Mr. Burke retires from parliament." *Morning Chronicle*, May 12, 1791.

<sup>1</sup> On 11 May Burke had said that it would not be long before he left Parliament (see above, p. 352). He had already said this before in the debate on the Army Estimates on 9 February 1790 (see above, p. 293). His family were in no doubt that his wish to retire was genuine. His wife (Jane Burke, née Nugent (1734-1812)) wrote that 'it is not a rash resolution taken up in disgust' (*Corr.* vi. 238). Until he could bring the Hastings trial to a conclusion, Burke did not, however, feel free to seek his release.

challenge.<sup>1</sup> He did not indeed flatter himself, that as a writer, he could claim the approbation of men whose talents, in his judgment and in the public judgment, approach to prodigies; if ever such persons should be disposed to estimate the merit of a composition upon the standard of their own ability.

In their critical censure, though Mr. Burke may find himself humbled by it as a writer, as a man and as an Englishman, he finds matter not only of consolation, but of pride. He proposed to convey to a foreign people, not his own ideas, but the prevalent opinions and sentiments of a nation, renowned for wisdom, and celebrated in all ages for a well understood and well regulated love of freedom. This was the avowed purpose of the far greater part of his work. As that work has not been ill received, and as his critics will not only admit but contend, that this reception could not be owing to any excellence in the composition capable of perverting the public judgment, it is clear that he is not disavowed by the nation whose sentiments he had undertaken to describe. His representation is authenticated by the verdict of his country. Had his piece, as a work of skill, been thought worthy of commendation, some doubt might have been entertained of the cause of his success. But the matter stands exactly as he wishes it. He is more happy to have his fidelity in representation recognized by the body of the people, than if he were to be ranked in point of ability (and higher he could not be ranked) with those whose critical censure he has had the misfortune to incur.

It is not from this part of their decision which the author wishes an appeal. There are things which touch him more nearly. To abandon them would argue, not diffidence in his abilities, but treachery to his cause. Had his work been recognized as a pattern for dextrous argument, and powerful eloquence, yet if it tended to establish maxims, or to inspire sentiments, adverse to the wise and free constitution of this kingdom, he would only have cause to lament, that it possessed qualities fitted to perpetuate the memory of his offence. Oblivion would be the only means of his escaping the reproaches of posterity. But, after receiving the common allowance due to the common weakness of man, he wishes to owe no part of the indulgence of the world to its forgetfulness. He is at issue with the party, before the present, and if ever he can reach it, before the coming, generation.

<sup>1</sup> Philip Francis (1740–1818), Burke's great ally in the attack on Hastings, was probably the most forthright critic of the literary quality of the *Reflections*, which he called 'very loosely put together' (*Corr.* vi. 86). Burke had heard that Fox thought that 'in point of composition it is the worst I have ever published' (*ibid.*, vi. 178).



The author, several months previous to his publication, well knew, that two gentlemen, both of them possessed of the most distinguished abilities, and of a most decisive authority in the party, had differed with him in one of the most material points relative to the French revolution; that is in their opinion of the behaviour of the French soldiery, and its revolt from its officers.<sup>1</sup> At the time of their public declaration on this subject, he did not imagine the opinion of these two gentlemen had extended a great way beyond themselves. He was however well aware of the probability, that persons of their just credit and influence would at length dispose the greater number to an agreement with their sentiments; and perhaps might induce the whole body to a tacit acquiescence in their declarations, under a natural, and not always an improper dislike of shewing a difference with those who lead their party. I will not deny, that in general this conduct in parties is defensible; but within what limits the practice is to be circumscribed, and with what exceptions the doctrine which supports it is to be received, it is not my present purpose to define. The present question has nothing to do with their motives; it only regards the public expression of their sentiments.

The author is compelled, however reluctantly, to receive the sentence pronounced upon him in the House of Commons as that of the party. It proceeded from the mouth of him who must be regarded as its authentic organ.<sup>2</sup> In a discussion which continued for two days,<sup>3</sup> no one gentleman of the opposition interposed a negative, or even a doubt, in favour of him or of his opinions. If an idea consonant to the doctrine of his book, or favourable to his conduct, lurks in the minds of any persons in that description, it is to be considered only as a peculiarity which they indulge to their own private liberty of thinking. The author cannot reckon upon it. It has nothing to do with them as members of a party. In their public capacity, in every thing that meets the public ear, or public eye, the body must be considered as unanimous.

They must have been animated with a very warm zeal against those opinions, because they were under no *necessity* of acting as they did, from any just cause of apprehension that the errors of this writer should be taken for theirs. They might disapprove; it was not necessary they should *disavow* him, as they have done in the whole, and in all the parts of his book;

<sup>1</sup> Burke is referring to his public disagreements with Fox and Sheridan in the debate on the Army Estimates on 9 February 1790 (see above, pp. 293–5).

<sup>2</sup> Fox.

<sup>3</sup> 6 and 11 May 1791.

because neither in the whole nor in any of the parts, were they, directly, or by any implication, involved. The author was known indeed to have been warmly, strenuously, and affectionately, against all allurements of ambition, and all possibility of alienation from pride, or personal pique, or peevish jealousy, attached to the Whig party. With one of them he has had a long friendship, which he must ever remember with a melancholy pleasure.<sup>1</sup> To the great, real, and amiable virtues, and to the unequalled abilities of that gentleman, he shall always join with his country in paying a just tribute of applause. There are others in that party for whom, without any shade of sorrow, he bears as high a degree of love as can enter into the human heart; and as much veneration as ought to be paid to human creatures; because he firmly believes, that they are endowed with as many and as great virtues, as the nature of man is capable of producing, joined to great clearness of intellect, to a just judgment, to a wonderful temper, and to true wisdom. His sentiments with regard to them can never vary, without subjecting him to the just indignation of mankind, who are bound, and are generally disposed, to look up with reverence to the best patterns of their species, and such as give a dignity to the nature of which we all participate.<sup>2</sup> For the whole of the party he has high respect. Upon a view indeed of the composition of all parties, he finds great satisfaction. It is, that in leaving the service of his country, he leaves parliament without all comparison richer in abilities than he found it. Very solid and very brilliant talents distinguish the ministerial benches. The opposite rows are a sort of seminary of genius, and have brought forth such and so great talents as never before (amongst us at least) have appeared together. If their owners are disposed to serve their country, (he trusts they are) they are in a condition to render it services of the highest importance. If, through mistake or passion, they are led to contribute to its ruin, we shall at least have a consolation denied to the ruined country that adjoins us—we shall not be destroyed by men of mean or secondary capacities.<sup>3</sup>

All these considerations of party attachment, of personal regard, and of personal admiration, rendered the author of the *Reflections* extremely cautious, lest the slightest suspicion should arise of his having undertaken

<sup>1</sup> Fox.

<sup>2</sup> Richard Burke wrote that his father retains 'the sentiments of his private friendship for Lord Fitzwilliam and the Duke [of Portland]' (*Corr.* vi. 255).

<sup>3</sup> Burke had derided the membership of the National Assembly in the *Reflections*, especially the lawyers, whom he believed to constitute the majority. They were a body of 'obscure provincial advocates, of stewards of petty local jurisdictions, county attorneys, notaries, and the whole train of the ministers of municipal litigation, the fomentors and conductors of the petty war of village vexation' (vol. viii, p. 93).

to express the sentiments even of a single man of that description. His words at the outset of his *Reflections* are these:

"In the first letter I had the honour to write to you,<sup>1</sup> and which at length I send, I wrote neither *for*, nor *from* any description of men; nor shall I in this. My errors, if any, are *my own*. My reputation *alone* is to answer for them." In another place, he says (p. 126.) "I have *no man's* proxy. I speak *only* from *myself*; when I disclaim, as I do, with all possible earnestness, all communion with the actors in that triumph, or with the admirers of it. When I assert any thing else, as concerning the people of England, I speak from observation, *not from authority*."

To say then, that the book did not contain the sentiments of their party, is not to contradict the author, or to clear themselves. If the party had denied his doctrines to be the current opinions of the majority in the nation, they would have put the question on its true issue. There, I hope and believe, his censurers will find on the trial, that the author is as faithful a representative of the general sentiment of the people of England, as any person amongst them can be of the ideas of his own party.

The French Revolution can have no connexion with the objects of any parties in England formed before the period of that event, unless they choose to imitate any of its acts, or to consolidate any principles of that revolution with their own opinions. The French revolution is no part of their original contract. The matter, standing by itself, is an open subject of political discussion, like all the other revolutions (and there are many) which have been attempted or accomplished in our age. But if any considerable number of British subjects, taking a factious interest in the proceedings of France, begin publicly to incorporate themselves for the subversion of nothing short of the *whole* constitution of this kingdom; to incorporate themselves for the utter overthrow of the body of its laws, civil and ecclesiastical, and with them of the whole system of its manners, in favour of the new constitution, and of the modern usages of the French nation, I think no party principle could bind the author not to express his sentiments strongly against such a faction.<sup>2</sup> On the contrary, he was perhaps bound to mark his dissent, when the leaders of the party were daily

<sup>1</sup> The *Reflections* were directed to Charles-Jean-François Depont (1767–96). Burke explained at the beginning of the *Reflections* that he had also written a letter to Depont in October 1789, actually in November, which he had only recently dispatched (vol. viii, p. 53 and *Corr.* vi. 39–50).

<sup>2</sup> On 11 May 1791 Burke had denounced the Revolution, Constitutional and Unitarian societies (see above, p. 362, n. 1). The Revolution Society and the Society for Constitutional Information were old antagonists. His attention had recently been drawn to the London Unitarian Society, which at a meeting on 14 April had commended 'Paynes Magnificent answer to you' (*Corr.* vi. 246–7).

going out of their way to make public declarations in parliament, which, notwithstanding the purity of their intentions, had a tendency to encourage ill-designing men in their practices against our constitution.

The members of this faction leave no doubt of the nature and the extent of the mischief they mean to produce. They declare it openly and decisively. Their intentions are not left equivocal. They are put out of all dispute by the thanks which, formally and as it were officially, they issue, in order to recommend, and to promote the circulation of the most atrocious and treasonable libels, against all the hitherto cherished objects of the love and veneration of this people.<sup>1</sup> Is it contrary to the duty of a good subject, to reprobate such proceedings? Is it alien to the office of a good member of parliament, when such practices encrease, and when the audacity of the conspirators grows with their impunity, to point out in his place their evil tendency to the happy constitution which he is chosen to guard? Is it wrong in any sense, to render the people of England sensible how much they must suffer if unfortunately such a wicked faction should become possessed in this country of the same power which their allies in the very next to us have so perfidiously usurped, and so outrageously abused? Is it inhuman to prevent, if possible, the spilling of *their* blood, or imprudent to guard against the effusion of *our own*? Is it contrary to any of the honest principles of party, or repugnant to any of the known duties of friendship for any senator, respectfully, and amicably, to caution his brother members against countenancing by inconsiderate expressions a sort of proceeding which it is impossible they should deliberately approve?

He had undertaken to demonstrate,<sup>2</sup> by arguments which he thought could not be refuted, and by documents, which he was sure could not be denied, that no comparison was to be made between the British government, and the French usurpation.—That they who endeavoured madly to compare them, were by no means making the comparison of one good system with another good system, which varied only in local and circumstantial differences; much less, that they were holding out to us a superior pattern of legal liberty, which we might substitute in the place of our

<sup>1</sup> On 23 March 1791 the Society for Constitutional Information publicly voted their thanks to Paine for his *Rights of Man*, a 'most masterly book', which exposed the 'malevolent sophistry of hireling scribblers' (*World*, 8 Apr. 1791). On 28 May the Society specifically denounced Burke for 'deserting the principles of genuine Whiggism' and again 'recommended to the attentive perusal of every Citizen, the excellent Vindication of the French Revolution written by Mr. Thomas Paine' (*Whitehall Evening Post*, 7–9 June 1791).

<sup>2</sup> At this point Burke begins a recapitulation of the arguments he had intended to deploy in the Quebec Bill debate of 6 May.



old, and, as they describe it, superannuated constitution. He meant to demonstrate, that the French scheme was not a comparative good, but a positive evil.—That the question did not at all turn, as it had been stated, on a parallel between a monarchy and a republic. He denied that the present scheme of things in France, did at all deserve the respectable name of a republic: he had therefore no comparison between monarchies and republics to make.—That what was done in France was a wild attempt to methodize anarchy; to perpetuate and fix disorder. That it was a foul, impious, monstrous thing, wholly out of the course of moral nature. He undertook to prove, that it was generated in treachery, fraud, falsehood, hypocrisy, and unprovoked murder.—He offered to make out, that those who have led in that business, had conducted themselves with the utmost perfidy to their colleagues in function, and with the most flagrant perjury both towards their king and their constituents; to the one of whom the assembly had sworn fealty, and to the other, when under no sort of violence or constraint, they had sworn a full obedience to instructions.—That by the terror of assassination they had driven away a very great number of the members, so as to produce a false appearance of a majority.—That this fictitious majority had fabricated a constitution, which as now it stands, is a tyranny far beyond any example that can be found in the civilized European world of our age; that therefore the lovers of it must be lovers, not of liberty, but, if they really understand its nature, of the lowest and basest of all servitude.

He proposed to prove, that the present state of things in France is not a transient evil, productive, as some have too favourably represented it, of a lasting good; but that the present evil is only the means of producing future, and (if that were possible) worse evils.—That it is not, an undigested, imperfect, and crude scheme of liberty, which may gradually be mellowed and ripened into an orderly and social freedom; but that it is so fundamentally wrong, as to be utterly incapable of correcting itself by any length of time, or of being formed into any mode of polity, of which a member of the house of commons could publicly declare his approbation.

If it had been permitted to Mr. Burke, he would have shewn distinctly, and in detail, that what the assembly calling itself national, had held out as a large and liberal toleration, is in reality a cruel and insidious religious persecution; infinitely more bitter than any which had been heard of within this century.—That it had a feature in it worse than the old persecutions.—That the old persecutors acted, or pretended to act, from zeal towards some system of piety and virtue: they gave strong preferences to their own;

and if they drove people from one religion, they provided for them another, in which men might take refuge, and expect consolation.—That their new persecution is not against a variety in conscience, but against all conscience. That it professes contempt towards its object; and whilst it treats all religion with scorn, is not so much as neutral about the modes: It unites the opposite evils of intolerance and of indifference.<sup>1</sup>

He could have proved, that it is so far from rejecting tests (as unaccountably had been asserted)<sup>2</sup> that the assembly had imposed tests of a peculiar hardship, arising from a cruel and premeditated pecuniary fraud: tests against old principles, sanctioned by the laws, and binding upon the conscience.<sup>3</sup>—That these tests were not imposed as titles to some new honour or some new benefit, but to enable men to hold a poor compensation for their legal estates, of which they had been unjustly deprived; and, as they had before been reduced from affluence to indigence, so on refusal to swear against their conscience, they are now driven from indigence to famine, and treated with every possible degree of outrage, insult, and inhumanity.—That these tests, which their imposers well knew would not be taken, were intended for the very purpose of cheating their miserable victims out of the compensation which the tyrannic impostors of the assembly had previously and purposely rendered the public unable to pay. That thus their ultimate violence arose from their original fraud.<sup>4</sup>

He would have shewn that the universal peace and concord amongst nations, which these common enemies to mankind had held out with the same fraudulent ends and pretences with which they had uniformly conducted every part of their proceeding, was a coarse and clumsy deception, unworthy to be proposed as an example, by an informed and sagacious British senator, to any other country.<sup>5</sup>—That far from peace and good-will to men,<sup>6</sup> they meditated war against all other governments; and proposed

<sup>1</sup> The Declaration of the Rights of Man and of the Citizen proclaimed that no one should be interfered with for his opinions, even religious ones, provided that their practice did not disturb public order. Although the French state took powers over the Catholic Church by the Civil Constitution of the Clergy, proposals for a declaration that Roman Catholicism was the religion of state were rejected.

<sup>2</sup> By Fox on 6 May, see above, p. 348.

<sup>3</sup> All clergy were required to swear an oath of loyalty to the Civil Constitution of the Clergy.

<sup>4</sup> Church property had been confiscated. The clergy were to be paid salaries, but only if they accepted the Civil Constitution.

<sup>5</sup> This was probably aimed at Sheridan, who on 12 April had said that he hoped that 'what had happened in France would serve as an useful lesson, and that we should have the leisure to improve by studying it' (*Parl. Reg.*, xxix. 150).

<sup>6</sup> That the French Revolution was a universal movement promising liberation for all humanity was deeply embedded in its rhetoric. In May 1790 the National Assembly had declared that 'The French nation renounces any war of conquest and will never deploy its forces against the liberty of any people'.

systematically to excite in them all the very worst kind of seditions, in order to lead to their common destruction.—That they had discovered, in the few instances in which they have hitherto had the power of discovering it, (as at Avignon and in the Comtat, at Cavaillon and at Carpentras)<sup>1</sup> in what a savage manner they mean to conduct the seditions and wars they have planned against their neighbours for the sake of putting themselves at the head of a confederation of republics as wild and as mischievous as their own. He would have shewn in what manner that wicked scheme was carried on in those places, without being directly either owned or disclaimed, in hopes that the undone people should at length be obliged to fly to their tyrannic protection, as some sort of refuge from their barbarous and treacherous hostility. He would have shewn from those examples, that neither this nor any other society could be in safety as long as such a public enemy was in a condition to continue directly or indirectly such practices against its peace.—That Great Britain was a principal object of their machinations; and that they had begun by establishing correspondences, communications and a sort of federal union with the factious here.<sup>2</sup>—That no practical enjoyment of a thing so imperfect and precarious, as human happiness must be, even under the very best of governments, could be a security for the existence of these governments, during the prevalence of the principles of France, propagated from that grand school of every disorder, and every vice.

He was prepared to shew the madness of their declaration of the pretended rights of man, the childish futility of some of their maxims; the gross and stupid absurdity, and the palpable falsity of others; and the mischievous tendency of all such declarations to the wellbeing of men and of citizens, and to the safety and prosperity of every just commonwealth. He was prepared to shew that, in their conduct, the assembly had directly violated not only every sound principle of government, but every one, without exception, of their own false or futile maxims; and indeed every rule they had pretended to lay down for their own direction.

<sup>1</sup> Avignon and some neighbouring districts were papal domains. After prolonged conflict between upholders of the papal regime and those who were agitating for the establishment of French rule, the National Assembly decreed on 14 September 1791 that, in accordance with the wishes of the majority of the citizens and with the rights of France, the territories should be incorporated into France.

<sup>2</sup> For the correspondence between French and British societies in 1790 and 1791, especially stimulated by the anniversary celebrations of 14 July in 1790, see G. S. Veitch, *The Genesis of Parliamentary Reform*, repr., London, 1965, pp. 147–59, and A. Goodwin, *The Friends of Liberty: The English Democratic Movement in the Age of the French Revolution*, London, 1979, pp. 122–30.

In a word, he was ready to shew, that those who could, after such a full and fair 'exposure, continue to countenance the French insanity, were not mistaken politicians, but bad men; but he thought that in this case, as in many others, ignorance had been the cause of admiration.

These are strong assertions. They required strong proofs. The member who laid down these positions was and is ready to give, in his place, to each position decisive evidence, correspondent to the nature and quality of the several allegations.

In order to judge on the propriety of the interruption given to Mr. Burke, in his speech in the committee of the Quebec bill, it is necessary to enquire, first, whether, on general principles, he ought to have been suffered to prove his allegations? Secondly, whether the time he had chosen was so very unseasonable as to make his exercise of a parliamentary right productive of ill effects on his friends or his country? Thirdly, whether the opinions delivered in his book, and which he had begun to expatiate upon that day, were in contradiction to his former principles, and inconsistent with the general tenor of his publick conduct?

They who have made eloquent panegyrics on the French Revolution, and who think a free discussion so very advantageous in every case,<sup>1</sup> and under every circumstance, ought not, in my opinion, to have prevented their eulogies from being tried on the test of facts. If their panegyric had been answered with an invective (bating the difference in point of eloquence) the one would have been as good as the other: that is, they would both of them have been good for nothing. The panegyric and the satire ought to be suffered to go to trial; and that which shrinks from it, must be contented to stand at best as a mere declamation.

I do not think Mr. Burke was wrong in the course he took. That which seemed to be recommended to him by Mr. Pitt, was rather to extol the English constitution, than to attack the French.<sup>2</sup> I do not determine what would be best for Mr. Pitt to do in his situation. I do not deny that *he* may have good reasons for his reserve. Perhaps they might have been as good for a similar reserve on the part of Mr. Fox, if his zeal had suffered him to listen to them. But there were no motives of ministerial prudence, or of that prudence which ought to guide a man perhaps on the eve of being

<sup>1</sup> Fox on 11 May, see above, p. 361, n. 5.

<sup>2</sup> On 6 May Pitt had said that it in his view Burke had not been out of order in talking about the French constitution in the Quebec debate but that 'asperity and censure' should have been avoided.



minister,<sup>1</sup> to restrain the author of the Reflections. He is in no office under the crown; he is not the organ of any party.

The excellencies of the British constitution had already exercised and exhausted the talents of the best thinkers, and the most eloquent writers and speakers, that the world ever saw. But in the present case, a system declared to be far better, and which certainly is much newer (to restless and unstable minds no small recommendation) was held out to the admiration of the good people of England. In that case, it was surely proper for those, who had far other thoughts of the French constitution, to scrutinize that plan which has been recommended to our imitation by active and zealous factions, at home and abroad. Our complexion is such, that we are palled with enjoyment, and stimulated with hope; that we become less sensible to a long-possessed benefit, from the very circumstance that it is become habitual. Specious, untried, ambiguous prospects of new advantage recommend themselves to the spirit of adventure, which more or less prevails in every mind. From this temper, men, and factions, and nations too, have sacrificed the good, of which they had been in assured possession, in favour of wild and irrational expectations. What should hinder Mr. Burke, if he thought this temper likely, at one time or other, to prevail in our country, from exposing to a multitude, eager to game, the false calculations of this lottery of fraud?

I allow, as I ought to do, for the effusions which come from a *general* zeal for liberty. This is to be indulged, and even to be encouraged, as long as the *question is general*. An orator, above all men, ought to be allowed a full and free use of the praise of liberty. A common place in favour of slavery and tyranny delivered to a popular assembly, would indeed be a bold defiance to all the principles of rhetoric. But in a question whether any particular constitution is or is not a plan of rational liberty, this kind of rhetorical flourish in favour of freedom in general, is surely a little out of its place. It is virtually a begging of the question. It is a song of triumph, before the battle.

"But Mr. Fox does not make the panegyric of the new constitution; it is the destruction only of the absolute monarchy he commends."<sup>2</sup> When that

<sup>1</sup> For the rumours that Pitt's handling of a crisis with Russia that had brought Britain close to war had weakened his standing with the King, who was now less hostile to Fox than he had been, see above, p. 354, n. 2 and below, p. 386.

<sup>2</sup> Fox did indeed make this distinction on 6 May. He rejoiced that the French had freed themselves from 'the most horrid despotism', but he 'would not say that the Government of France was good'. It would be improved over time.

nameless thing which has been lately set up in France was described as "the most stupendous and glorious edifice of liberty, which had been erected on the foundation of human integrity in any time or country,"<sup>1</sup> it might at first, have led the hearer into an opinion, that the construction of the new fabric was an object of admiration, as well as the demolition of the old. Mr. Fox, however, has explained himself; and it would be too like that captious and cavilling spirit, which I so perfectly detest, if I were to pin down the language of an eloquent and ardent mind, to the punctilious exactness of a pleader. Then Mr. Fox did not mean to applaud that monstrous thing, which, by the courtesy of France, they call a constitution. I easily believe it. Far from meriting the praises of a great genius like Mr. Fox, it cannot be approved by any man of common sense, or common information. He cannot admire the change of one piece of barbarism for another, and a worse. He cannot rejoice at the destruction of a monarchy, mitigated by manners, respectful to laws and usages, and attentive, perhaps but too attentive to public opinion, in favour of the tyranny of a licentious, ferocious, and savage multitude, without laws, manners, or morals, and which so far from respecting the general sense of mankind, insolently endeavours to alter all the principles and opinions, which have hitherto guided and contained the world, and to force them into a conformity to their views and actions. His mind is made to better things.

That a man should rejoice and triumph in the destruction of an absolute monarchy; that in such an event he should overlook the captivity, disgrace, and degradation of an unfortunate prince,<sup>2</sup> and the continual danger to a life which exists only to be endangered; that he should overlook the utter ruin of whole orders and classes of men, extending itself directly, or in its nearest consequences, to at least a million of our kind, and to at least the temporary wretchedness of an whole community, I do not deny to be in some sort natural: Because, when people see a political object, which they ardently desire, but in one point of view, they are apt extremely to palliate, or underrate the evils which may arise in obtaining it. This is no reflection on the humanity of those persons. Their good-nature I am the last man in the world to dispute. It only shews that they are not sufficiently informed, or sufficiently considerate. When they come to reflect seriously on the transaction, they will think themselves bound to examine what the object is that has been acquired by all this havock. They will hardly assert that the destruction of an absolute monarchy, is a thing good in itself, without any

<sup>1</sup> Fox's words on 15 April.

<sup>2</sup> Louis XVI.

sort of reference to the antecedent state of things, or to consequences which result from the change; without any consideration whether under its ancient rule a country was, to a considerable degree, flourishing and populous, highly cultivated, and highly commercial; and whether, under that domination, though personal liberty had been precarious and insecure, property at least was ever violated. They cannot take the moral sympathies of the human mind along with them, in abstractions separated from the good or evil condition of the state, from the quality of actions, and the character of the actors. None of us love absolute and uncontrolled monarchy; but we could not rejoice at the sufferings of a Marcus Aurelius,<sup>1</sup> or a Trajan,<sup>2</sup> who were absolute monarchs, as we do when Nero is condemned by the senate to be punished *more majorum*.<sup>3</sup> Nor when that monster was obliged to fly with his wife Sporus,<sup>4</sup> and to drink puddle, were men affected in the same manner, as when the venerable Galba, with all his faults and errors, was murdered by a revolted mercenary soldiery.<sup>5</sup> With such things before our eyes our feelings contradict our theories; and when this is the case, the feelings are true, and the theory is false. What I contend for is, that in commending the destruction of an absolute monarchy, *all the circumstances* ought not to be wholly overlooked, as considerations fit only for shallow and superficial minds.<sup>6</sup>

The subversion of a government, to deserve any praise, must be considered but as a step preparatory to the formation of something better, either in the scheme of the government itself, or in the persons who administer in it, or in both. These events cannot in reason be separated. For instance, when we praise our revolution of 1688, though the nation, in that act, was on the defensive, and was justified in incurring all the evils of a defensive war, we do not rest there. We always combine with the subversion of the old government the happy settlement which followed. When we estimate that revolution, we mean to comprehend in our calculation both the value of the thing parted with, and the value of the thing received in exchange.

<sup>1</sup> (AD 121–80), Emperor 161–80.

<sup>2</sup> (AD 53–117), Emperor 98–117.

<sup>3</sup> Nero was declared a public enemy by the Senate in AD 68 and condemned to death *more majorum* (after the manner of our ancestors).

<sup>4</sup> Sporus (d. AD 69) was castrated on the orders of Nero, who then married him.

<sup>5</sup> Galba (3 BC–AD 69) was Emperor for seven months until he was murdered by the Praetorian Guards in AD 69.

<sup>6</sup> Fox's line of argument was that a degree of dislocation was the inevitable price for the huge gains to France from the overthrow of absolutism, but a report of his using these specific words has not been found.

The burthen of proof lies heavily on those who tear to pieces the whole frame and contexture of their country, that they could find no other way of settling a government fit to obtain its rational ends, except that which they have pursued by means unfavourable to all the present happiness of millions of people, and to the utter ruin or several hundreds of thousands. In their political arrangements, men have no right to put the well-being of the present generation wholly out of the question. Perhaps the only moral trust with any certainty in our hands, is the care of our own time. With regard to futurity, we are to treat it like a ward. We are not so to attempt an improvement of his fortune, as to put the capital of his estate to any hazard.

It is not worth our while to discuss, like sophisters, whether, in no case, some evil, for the sake of some benefit is to be tolerated. Nothing universal can be rationally affirmed on any moral, or any political subject. Pure metaphysical abstraction does not belong to these matters. The lines of morality are not like the ideal lines of mathematics. They are broad and deep as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are not made by the process of logic, but by the rules of prudence. Prudence is not only the first in rank of the virtues political and moral, but she is the director, the regulator, the standard of them all. Metaphysics cannot live without definition; but prudence is cautious how she defines. Our courts cannot be more fearful in suffering fictitious cases to be brought before them for eliciting their determination on a point of law, than prudent moralists are in putting extreme and hazardous cases of conscience upon emergencies not existing. Without attempting therefore to define, what never can be defined, the case of a revolution in government, this, I think, may be safely affirmed, that a sore and pressing evil is to be removed, and that a good, great in its amount, and unequivocal in its nature, must be probable almost to certainty, before the inestimable price of our own morals, and the well-being of a number of our fellow-citizens, is paid for a revolution. If ever we ought to be æconomists even to parsimony, it is in the voluntary production of evil. Every revolution contains in it something of evil.

It must always be, to those who are the greatest amateurs, or even professors of revolutions, a matter very hard to prove, that the late French government was so bad, that nothing worse, in the infinite devices of men, could come in its place. They who have brought France to its present condition ought to prove also, by something better than prattling about the Bastille, that their subverted government was as incapable, as the present certainly is, of all improvement and correction. How dare they to say so



who have never made that experiment? They are experimentors by their trade. They have made an hundred others, infinitely more hazardous.

The English admirers of the forty-eight thousand republics which form the French federation<sup>1</sup> praise them not for what they are, but for what they are to become. They do not talk as politicians but as prophets. But in whatever character they choose to found panegyric on prediction, it will be thought a little singular to praise any work, not for its own merits, but for the merits of something else which may succeed to it. When any political institution is praised, in spite of great and prominent faults of every kind, and in all its parts, it must be supposed to have something excellent in its fundamental principles. It must be shewn that it is right though imperfect; that it is not only by possibility susceptible of improvement, but that it contains in it a principle tending to its melioration.

Before they attempt to shew this progression of their favourite work, from absolute pravity to finished perfection, they will find themselves engaged in a civil war with those whose cause they maintain. What! alter our sublime constitution, the glory of France, the envy of the world, the pattern for mankind, the master-piece of legislation, the collected and concentrated glory of this enlightened age! Have we not produced it ready made and ready armed, mature in its birth, a perfect goddess of wisdom and of war, hammered by our blacksmith midwives out of the brain of Jupiter himself?<sup>2</sup> Have we not sworn our devout, profane, believing, infidel people, to an allegiance to this goddess, even before she had burst the *dura mater*,<sup>3</sup> and as yet existed only in embryo?<sup>4</sup> Have we not solemnly declared this constitution unalterable by any future legislature? Have we not bound it on posterity far ever, though our abettors have declared that no one generation is competent to bind another?<sup>5</sup> Have we not obliged the members of every future assembly to qualify themselves for their seats by swearing to its conservation?<sup>6</sup>

Indeed the French constitution always must be (if a change is not made in all their principles and fundamental arrangements) a government wholly

<sup>1</sup> In the *Reflections* Burke had denounced the reorganization of France into Departments, Arrondissements, Cantons, and Communes, enacted in March 1790, as having 'a direct and immediate tendency to sever France into a variety of republics, and to render them totally independent of one another' (vol. viii, p. 230).

<sup>2</sup> Athena was born out of Zeus's forehead.

<sup>3</sup> A membrane surrounding the brain.

<sup>4</sup> Citizens were required to take the Civic Oath to maintain the constitution.

<sup>5</sup> This was a fundamental doctrine for Paine. 'Every age and generation is as free to act for itself, in all cases, as the age and generation which preceded it' (*Rights of Man, Part I*, in Kuklick, ed., *Paine Political Writings*, p. 63).

<sup>6</sup> The Legislative Assembly established by the new constitution could not alter it. Its members had to swear to maintain the constitution and to consent to nothing injurious to it.

by popular representation. It must be this or nothing. The French faction considers as an usurpation, as an atrocious violation of the indefeasible rights of man, every other description of government. Take it or leave it; there is no medium. Let the irrefragable doctors<sup>1</sup> fight out their own controversy in their own way, and with their own weapons; and when they are tired let them commence a treaty of peace. Let the plenipotentiary sophisters of England settle with the diplomatic sophisters of France in what manner right is to be corrected by an infusion of wrong, and how truth may be rendered more true by a due intermixture of falshood.

Having sufficiently proved, that nothing could make it *generally* improper for Mr. Burke to prove what he had alledged concerning the object of this dispute, I pass to the second question, that is, whether he was justified in choosing the committee on the Quebec bill as the field for this discussion? If it were necessary, it might be shewn, that he was not the first to bring these discussions into parliament, nor the first to renew them in this session. The fact is notorious. As to the Quebec bill, they were introduced into the debate upon that subject for two plain reasons; first, that as he thought it *then* not adviseable to make the proceedings of the factious societies the subject of a direct motion, he had no other way open to him. Nobody has attempted to shew, that it was at all admissible into any other business before the house. Here every thing was favourable. Here was a bill to form a new constitution for a French province under English dominion. The question naturally arose, whether we should settle that constitution upon English ideas, or upon French. This furnished an opportunity for examining into the value of the French constitution, either considered as applicable to colonial government, or in its own nature. The bill too was in a committee. By the privilege of speaking as often as he pleased, he hoped in some measure to supply the want of support, which he had but too much reason to apprehend. In a committee it was always in his power to bring the questions from generalities to facts; from declamation to discussion. Some benefit he actually received from this privilege.<sup>2</sup> These are plain, obvious, natural reasons for his conduct. I believe they are the true, and the only true ones.

<sup>1</sup> Alexander of Hales (d. 1245), an English theologian who taught in Paris, was known as Doctor Irrefragabilis. Burke is likening the exponents of revolution to medieval schoolmen.

<sup>2</sup> In normal debates a member could only speak once on a question, apart from offering explanations of what he had said. A committee was intended to enable 'more ample and frequent discussion . . . where every member may speak as often as he pleases' (J. Hatsell, *Precedents of Proceedings in the House of Commons*, new edn., 4 vols., London, 1818, ii. 105-6).

They who justify the frequent interruptions, which at length wholly disabled him from proceeding, attribute their conduct to a very different interpretation of his motives. They say, that through corruption, or malice, or folly, he was acting his part in a plot to make his friend Mr. Fox pass for a republican;<sup>1</sup> and thereby to prevent the gracious intentions of his sovereign from talking effect, which at that time had began to disclose themselves in his favour.\* This is a pretty serious charge. This, on Mr. Burke's part, would be something more than mistake; something worse than formal irregularity. Any contumely, any outrage is readily passed over, by the indulgence which we all owe to sudden passion. These things are soon forgot upon occasions in which all men are so apt to forget themselves. Deliberate injuries, to a degree must be remembered, because they require deliberate precautions to be secured against their return.

\* To explain this, it will be necessary to advert to a paragraph which appeared in a paper in the minority interest some time before this debate. "A very dark intrigue has lately been discovered, the authors of which are well known to us; but until the glorious day shall come, when it will not be a LIBEL to tell the TRUTH, we must not be so regardless of our own safety, as to publish their names. We will, however, state the fact, leaving it to the ingenuity of our readers to discover what we dare not publish.

Since the business of the armament against Russia has been under discussion, a great personage has been heard to say, "that he was not so wedded to Mr. PITT, as not to be very willing to give his confidence to Mr. Fox, if the latter should be able, in a crisis like the present, to conduct the government of the country with greater advantage to the public."

This patriotic declaration immediately alarmed the swarm of courtly insects that live only in the sunshine of ministerial favour. It was thought to be the forerunner of the dismissal of Mr. PITT, and every engine was set at work for the purpose of preventing such an event. The principal engine employed on this occasion was CALUMNY. It was whispered in the ear of a great personage, that Mr. Fox was the last man in England to be trusted by a KING, because he was by PRINCIPLE a REPUBLICAN, and consequently an enemy to MONARCHY.

In the discussion of the Quebec bill which stood for yesterday, it was the intention of some persons to connect with this subject the French Revolution, in hopes that Mr. Fox would be warmed by a collision with Mr. Burke, and induced to defend that revolution in which so much power was taken from, and so little left in, the crown.

Had Mr. Fox fallen into the snare his speech on the occasion would have been laid before a great personage, as a proof that a man who could defend such a revolution, might be a very good republican, but could not possibly be a friend to monarchy.

But those who laid the snare were disappointed; for Mr. Fox, in the short conversation which took place yesterday in the house of commons said, that he confessedly had thought favorably of the French revolution; but that most certainly he never had, either in parliament or out of parliament, professed or defended republican principles."

Argus, April 22d, 1791.

Mr. Burke cannot answer for the truth, nor prove the falsehood of the story given by the friends of the party in this paper. He only knows that an opinion of its being well or ill authenticated had no influence on his conduct. He meant only, to the best of his power, to guard the public against the ill designs of factions out of doors. What Mr. Burke did in parliament could hardly have been intended to draw Mr. Fox into any declarations unfavourable to his principles, since (by the account of those who are his friends) he had long before effectually prevented the success of any such scandalous designs. Mr. Fox's friends have themselves done away that imputation on Mr. Burke.

<sup>1</sup> See above, p. 354, n. 2.

I am authorized to say for Mr. Burke, that he considers that cause assigned for the outrage offered to him, as ten times worse than the outrage itself. There is such a strange confusion of ideas on this subject, that it is far more difficult to understand the nature of the charge, than to refute it when understood. Mr. Fox's friends were, it seems, seized with a sudden panic terror lest he should pass for a republican.<sup>1</sup> I do not think they had any ground for this apprehension. But let us admit they had. What was there in the Quebec bill, rather than in any other, which could subject him or them to that imputation? Nothing in a discussion of the French constitution, which might arise on the Quebec bill, could tend to make Mr. Fox pass for a republican; except he should take occasion to extol that state of things in France, which affects to be a republic or a confederacy of republics. If such an encomium could make any unfavourable impression on the king's mind, surely his voluntary panegyrics on that event, not so much introduced as intruded into other debates, with which they had little relation, have produced that effect with much more certainty, and much greater force. The Quebec bill, at worst, was only one of those opportunities, carefully sought, and industriously improved by himself. Mr. Sheridan had already brought forth a panegyric on the French system in a still higher strain, with full as little demand from the nature of the business before the house, in a speech too good to be speedily forgotten.<sup>2</sup> Mr. Fox followed him without any direct call from the subject matter, and upon the same ground.<sup>3</sup> To canvass the merits of the French constitution on the Quebec bill could not draw forth any opinions which were not brought forward before, with no small ostentation, and with very little of necessity, or perhaps of propriety. What mode, or what time of discussing the conduct of the French faction in England would not equally tend to kindle this enthusiasm, and afford those occasions for panegyric, which, far from shunning, Mr. Fox has always industriously sought? He himself said very truly, in the debate, that no artifices were necessary to draw from him his opinions upon that subject. But to fall upon Mr. Burke for making an use, at worst not more irregular, of the same liberty, is tantamount to a plain declaration, that the topic of France is *tabooed* or forbidden ground to Mr. Burke, and to Mr. Burke alone. But surely Mr. Fox is not a republican; and what should hinder him, when such a discussion came on from clearing

<sup>1</sup> See above, p. 354.

<sup>2</sup> Sheridan had praised the new France in a much-admired speech on the Russian crisis on 12 April 1791 (*Parl. Reg.*, xxix. 150).

<sup>3</sup> On 15 April, see above, p. 348.



himself unequivocally (as his friends say he had done near a fortnight before) of all such imputations? Instead of being a disadvantage to him, he would have defeated all his enemies, and Mr. Burke, since he has thought proper to reckon him amongst them.

But it seems, some news-paper or other had imputed to him republican principles, on occasion of his conduct upon the Quebec bill.<sup>1</sup> Supposing Mr. Burke to have seen these news-papers (which is to suppose more than I believe to be true) I would ask, when did the news-papers forbear to charge Mr. Fox, or Mr. Burke himself, with republican principles, or any other principles which they thought could render both of them odious, sometimes to one description of people, sometimes to another? Mr. Burke, since the publication of his pamphlet, has been a thousand times charged in the news-papers with holding despotic principles. He could not enjoy one moment of domestic quiet, he could not perform the least particle of public duty, if he did not altogether disregard the language of those libels. But however his sensibility might be affected by such abuse, it would in *him* have been thought a most ridiculous reason for shutting up the mouths of Mr. Fox, or Mr. Sheridan, so as to prevent their delivering their sentiments of the French revolution,—that forsooth, “the news-papers had lately charged Mr. Burke with being an enemy to liberty.”

I allow that those gentlemen have privileges to which Mr. Burke has no claim. But their friends ought to plead those privileges; and not to assign bad reasons, on the principle of what is fair between man and man, and thereby to put themselves on a level with those who can so easily refute them. Let them say at once that his reputation is of no value, and that he has no call to assert it; but that theirs is of infinite concern to the party and the public; and to that consideration he ought to sacrifice all his opinions, and all his feelings.

In that language I should hear a style correspondent to the proceeding; lofty, indeed, but plain and consistent. Admit, however, for a moment, and merely for argument, that this gentleman had as good a right to continue as they had to begin these discussions, in candour and equity they must allow that their voluntary descant in praise of the French constitution was as much an oblique attack on Mr. Burke, as Mr. Burke’s enquiry into the foundation of this encomium could possibly be construed into an imputation upon them. They well knew, that he felt like other men; and of course he would think it mean and unworthy, to decline asserting in his

<sup>1</sup> *The Oracle*, 12 Apr. 1791, see above, p. 332, n. 3.

place, and in the front of able adversaries, the principles of what he had penned in his closet, and without an opponent before him. They could not but be convinced, that declamations of this kind would rouse him; that he must think, coming from men of their *calibre*, they were highly mischievous; that they gave countenance to bad men, and bad designs; and, though he was aware that the handling such matters in parliament was delicate, yet he was a man very likely, whenever, much against his will, they were brought there, to resolve, that there they should be thoroughly sifted. Mr. Fox, early in the preceding session, had public notice from Mr. Burke of the light in which he considered every attempt to introduce the example of France into the politics of this country; and of his resolution to break with his best friends, and to join with his worst enemies to prevent it.<sup>1</sup> He hoped, that no such necessity would ever exist. But in case it should, his determination was made. The party knew perfectly that he would at least defend himself. He never intended to attack Mr. Fox, nor did he attack him directly or indirectly. His speech kept to its matter. No personality was employed even in the remotest allusion. He never did impute to that gentleman any republican principles, or any other bad principles or bad conduct whatsoever. It was far from his words; it was far from his heart. It must be remembered, that notwithstanding the attempt of Mr. Fox, to fix on Mr. Burke an unjustifiable change of opinion, and the foul crime of teaching a set of maxims to a boy,<sup>2</sup> and afterwards, when these maxims became adult in his mature age, of abandoning both the disciple and the doctrine. Mr. Burke, never attempted, in any one particular, either to criminate or to recriminate. It may be said, that he had nothing of the kind in his power. This he does not controvert. He certainly had it not in his inclination. That gentleman had as little ground for the charges which he was so easily provoked to make upon him.

The gentlemen of the party (I include Mr. Fox) have been kind enough to consider the dispute brought on by this business, and the consequent separation of Mr. Burke from their corps, as a matter of regret and uneasiness. I cannot be of opinion, that by his exclusion they have had any loss at all. A man whose opinions are so very adverse to theirs, adverse, as it was expressed, "as pole to pole," so mischievously as well as so directly adverse, that they found themselves under the necessity of solemnly disclaiming them in full parliament, such a man must ever be to them a

<sup>1</sup> In the debate on the Army Estimates on 9 February 1790, see above, p. 302.

<sup>2</sup> On 6 May Fox had said that 'when a boy almost, he had been in the habit of receiving favours' from Burke.

most unseemly and unprofitable incumbrance. A co-operation with him could only serve to embarrass them in all their councils. They have besides publicly represented him as a man capable of abusing the docility and confidence of ingenuous youth; and, for a bad reason, or for no reason, of disgracing his whole public life by a scandalous contradiction of every one of his own acts, writings, and declarations. If these charges be true, their exclusion of such a person from their body is a circumstance which does equal honour to their justice and their prudence. If they express a degree of sensibility in being obliged to execute this wise and just sentence, from a consideration of some amiable or some pleasant qualities which in his private life their former friend may happen to possess, they add, to the praise of their wisdom and firmness, the merit of great tenderness of heart, and humanity of disposition.

On their ideas, the new Whig party have, in my opinion, acted as became them. The author of the *Reflections*, however, on his part, cannot, without great shame to himself, and without entailing everlasting disgrace on his posterity, admit the truth or justice of the charges which have been made upon him; or allow that he has in those *Reflections* discovered any principles to which honest men are bound to declare, not a shade or two of dissent, but a total fundamental opposition. He must believe, if he does not mean wilfully to abandon his cause and his reputation, that principles fundamentally at variance with those of his book, are fundamentally false. What those principles, the antipodes to his, really are, he can only discover from that contrariety. He is very unwilling to suppose, that the doctrines of some books lately circulated are the principles of the party; though, from the vehement declarations against his opinions, he is at some loss how to judge otherwise.

For the present, my plan does not render it necessary to say any thing further concerning the merits either of the one set of opinions or the other. The author would have discussed the merits of both in his place, but he was not permitted to do so.

I pass to the next head of charge, Mr. Burke's inconsistency. It is certainly a great aggravation of his fault in embracing false opinions, that in doing so he is not supposed to fill up a void, but that he is guilty of a dereliction of opinions that are true and laudable. This is the great gist of the charge against him.<sup>1</sup> It is not so much that he is wrong in his book (that however is alledged also) as that he has therein belyed his whole life.

<sup>1</sup> Made by Fox on 6 May.

I believe, if he could venture to value himself upon any thing, it is on the virtue of consistency that he would value himself the most. Strip him of this, and you leave him naked indeed.

In the case of any man who had written something, and spoken a great deal, upon very multifarious matter, during upwards of twenty-five years public service, and in as great a variety of important events as perhaps have ever happened in the same number of years, it would appear a little hard, in order to charge such a man with inconsistency, to see collected by his friend, a sort of digest of his sayings, even to such as were merely sportive and jocular. This digest, however, has been made, with equal pains and partiality, and without bringing out those passages of his writings which might tend to shew with what restrictions any expressions, quoted from him, ought to have been understood. From a great statesman he did not quite expect this mode of inquisition. If it only appeared in the works of common pamphleteers, Mr. Burke might safely trust to his reputation. When thus urged, he ought, perhaps, to do a little more. It shall be as little as possible, for I hope not much is wanting. To be totally silent on his charges would not be respectful to Mr. Fox. Accusations sometimes derive a weight from the persons who make them, to which they are not entitled from their matter.

He who thinks, that the British constitution ought to consist of the three members, of three very different natures, of which it does actually consist, and thinks it his duty to preserve each of those members in its proper place, and with its proper proportion of power, must (as each shall happen to be attacked) vindicate the three several parts on the several principles peculiarly belonging to them. He cannot assert the democratic part on the principles on which monarchy is supported; nor can he support monarchy on the principles of democracy; nor can he maintain aristocracy on the grounds of the one or of the other, or of both. All these he must support on grounds that are totally different, though practically they may be, and happily with us they are, brought into one harmonious body. A man could not be consistent in defending such various, and, at first view, discordant parts of a mixed constitution, without that sort of inconsistency with which Mr. Burke stands charged.

As any one of the great members of this constitution happens to be endangered, he that is a friend to all of them chooses and presses the topics necessary for the support of the part attacked, with all the strength, the earnestness, the vehemence, with all the power of stating, of argument, and of colouring, which he happens to possess, and which the case demands.



He is not to embarrass the minds of his hearers, or to encumber, or overlay his speech, by bringing into view at once (as if he were reading an academic lecture) all that may and ought, when a just occasion presents itself, to be said in favour of the other members. At that time they are out of the court; there is no question concerning them. Whilst he opposes his defence on the part where the attack is made, he presumes, that for his regard to the just rights of all the rest, he has credit in every candid mind. He ought not to apprehend, that his raising fences about popular privileges this day, will infer that he ought, on the next, to concur with those who would pull down the throne: because on the next he defends the throne, it ought not to be supposed that he has abandoned the rights of the people.

A man who, among various objects of his equal regard, is secure of some, and full of anxiety for the fate of others, is apt to go to much greater lengths in his preference of the objects of his immediate solicitude than Mr. Burke has ever done. A man so circumstanced often seems to undervalue, to vilify, almost to reprobate and disown, those that are out of danger. This is the voice of nature and truth, and not of inconsistency and false pretence. The danger of any thing very dear to us, removes, for the moment, every other affection from the mind. When Priam had his whole thoughts employed on the body of his Hector, he repels with indignation, and drives from him with a thousand reproaches, his surviving sons, who with an officious piety crowded about him to offer their assistance.<sup>1</sup> A good critic (there is no better than Mr. Fox) would say, that this is a master-stroke, and marks a deep understanding of nature in the father of poetry. He would despise a Zoilus, who would conclude from this passage that Homer meant to represent this man of affliction as hating or being indifferent and cold in his affections to the poor reliques of his house, or that he preferred a dead carcase to his living children.<sup>2</sup>

Mr. Burke does not stand in need of an allowance of this kind, which, if he did, by candid critics ought to be granted to him. If the principles of a mixed constitution be admitted, he wants no more to justify to consistency every thing he has said and done during the course of a political life just touching to its close. I believe that gentleman has kept himself more clear of running into the fashion of wild visionary theories, or of seeking popularity through every means, than any man perhaps ever did in the same situation.

<sup>1</sup> *Iliad*, xxiv. 248–68.

<sup>2</sup> Zoilus (c.400–320 BC) was the author of a work on Homer which gave him the reputation of being a harsh and insensitive critic.

He was the first man who, on the hustings, at a popular election, rejected the authority of instructions from constituents;<sup>1</sup> or who, in any place, has argued so fully against it. Perhaps the discredit into which that doctrine of compulsive instructions under our constitution is since fallen, may be due, in a great degree, to his opposing himself to it in that manner, and on that occasion.

The reforms in representation, and the bills for shortening the duration of parliaments, he uniformly and steadily opposed for many years together, in contradiction to many of his best friends. These friends, however, in his better days, when they had more to hope from his service and more to fear from his loss than now they have, never chose to find any inconsistency between his acts and expressions in favour of liberty, and his votes on those questions.<sup>2</sup> But there is a time for all things.

Against the opinion of many friends, even against the solicitation of some of them, he opposed those of the church clergy, who had petitioned the House of Commons to be discharged from the subscription.<sup>3</sup> Although he supported the dissenters in their petition for the indulgence which he had refused to the clergy of the established church, in this, as he was not guilty of it, so he was not reproached with inconsistency.<sup>4</sup> At the same time he promoted, and against the wish of several, the clause that gave the dissenting teachers another subscription in the place of that which was then taken away.<sup>5</sup> Neither at that time was the reproach of inconsistency brought against him. People could then distinguish between a difference in conduct, under a variation of circumstances, and an inconsistency in principle. It was not then thought necessary to be freed of him as of an incumbrance.

These instances, a few among many, are produced as an answer to the insinuation of his having pursued high popular courses, which in his late book he has abandoned. Perhaps in his whole life he has never omitted a fair occasion, with whatever risque to him of obloquy as an individual, with whatever detriment to his interest as a member of opposition, to assert the very same doctrines which appear in that book. He told the House, upon an important occasion, and pretty early in his service, that "being warned by the ill effect of a contrary procedure in great examples, he had taken his

<sup>1</sup> *Speech at the Conclusion of the Poll*, 3 November 1774; vol. iii, pp. 68–70.

<sup>2</sup> Burke had publicly opposed attempts to shorten parliaments or to change the composition of the Commons.

<sup>3</sup> In February 1772, see vol. ii, pp. 359–64.

<sup>4</sup> In April 1772 and March 1773, see vol. ii, pp. 368–70, 381–90.

<sup>5</sup> In the Dissenters' Relief Act of 1779, 19 Geo. III, c. 44, see vol. iii, pp. 431–5.

ideas of liberty very low; in order that they should stick to him, and that he might stick to them to the end of his life.”<sup>1</sup>

At popular elections the most rigorous casuists will remit a little of their severity. They will allow to a candidate some unqualified effusions in favour of freedom, without binding him to adhere to them in their utmost extent. But Mr. Burke put a more strict rule upon himself than most moralists would put upon others. At his first offering himself to Bristol, where he was almost sure he should not obtain, on that or any occasion, a single Tory vote, (in fact he did obtain but one)<sup>2</sup> and rested wholly on the Whig interest, he thought himself bound to tell to the electors, both before and after his election, exactly what a representative they had to expect in him.

“The *distinguishing* part of our constitution (he said) is its liberty. To preserve that liberty inviolate, is the *peculiar* duty and *proper* trust of a member of the house of commons. But the liberty, the *only* liberty I mean, is a liberty connected with *order*, and that not only exists *with* order and virtue, but can not exist at all *without* them. It inheres in good and steady government, as in *its substance and vital principle*.”<sup>3</sup>

The liberty to which Mr. Burke declared himself attached, is not French liberty. That liberty is nothing but the rein given to vice and confusion. Mr. Burke was then, as he was at the writing of his *Reflections*, awfully impressed with the difficulties arising from the complex state of our constitution and our empire, and that it might require, in different emergencies different sorts of exertions, and the successive call upon all the various principles which uphold and justify it. This will appear from what he said at the close of the poll.—

“To be a good member of parliament is, let me tell you, no easy task; especially at this time, when there is so strong a disposition to run into the perilous extremes of *servile* compliance, or *wild popularity*. To unite circumspection with vigour, is absolutely necessary; but it is extremely difficult. We are now members for a rich commercial *city*; this city, however, is but a part of a rich commercial *nation*, the interests of which are *various, multiform, and intricate*. We are members for that great *nation* which, however, is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the east and of the west. *All* these wide-spread interests must be *considered*; must be *compared*; must be

<sup>1</sup> On 11 May Burke said that he had learned this lesson when he had declined to support his party on the reduction of the land tax in 1767, see above, p. 359.

<sup>2</sup> The sitting member whom Burke defeated in 1774 had been supported by the Tory Steadfast Club. One of the Club's number, John Noble (1743–1828), became one of Burke's leading supporters (*Corr.* iii. 74).

<sup>3</sup> *Speech at Arrival at Bristol*, 13 October 1774; vol. iii, p. 59.

*reconciled*, if possible. We are members for a *free* country; and surely we all know that the machine of a free constitution is no *simple* thing; but as *intricate* and as *delicate*, as it is valuable. We are members in a *great and antient* MONARCHY; and we must *preserve religiously the true legal rights of the sovereign, which form the key-stone that binds together the noble and well-constructed arch of our empire and our constitution*. A constitution made up of *balanced powers*, must ever be a critical thing. As such I mean to touch that part of it which comes within my reach."<sup>1</sup>

In this manner Mr. Burke spoke to his constituents seventeen years ago. He spoke, not like a partizan of one particular member of our constitution, but as a person strongly, and on principle, attached to them all. He thought these great and essential members ought to be preserved, and preserved each in its place; and that the monarchy ought not only to be secured in its peculiar existence, but in its pre-eminence too, as the presiding and connecting principle of the whole. Let it be considered, whether the language of his book, printed in 1790, differs from his speech at Bristol in 1774.

With equal justice his opinions on the American war are introduced, as if in his late work he had belied his conduct and opinions in the debates which arose upon that great event. On the American war he never had any opinions which he has seen occasion to retract, or which he has ever retracted. He indeed differs essentially from Mr. Fox as to the cause of that war. Mr. Fox has been pleased to say, that the Americans rebelled, "because they thought they had not enjoyed liberty enough."<sup>2</sup> This cause of the war *from him* I have heard of for the first time. It is true that those who stimulated the nation to that measure, did frequently urge this topic. They contended, that the Americans had from the beginning aimed at independence; that from the beginning they meant wholly to throw off the authority of the crown, and to break their connection with the parent country. This Mr. Burke never believed. When he moved his second conciliatory proposition in the year 1776, he entered into the discussion of this point at very great length; and from nine several heads of presumption, endeavored to prove the charge upon that people not to be true.<sup>3</sup>

<sup>1</sup> *Speech at the Conclusion of the Poll*, 3 November 1774; vol. iii, p. 70.

<sup>2</sup> On 11 May Fox had said that 'it was evident that the American States had revolted, because they did not think themselves sufficiently free'.

<sup>3</sup> Burke had presented his second plan for conciliating America on 16 November 1775. He claimed that were the concessions that he outlined to be implemented, they would reconcile the great bulk of Americans, leaving 'the really factious', who were intent on independence, with 'very few followers or companions' (vol. iii, pp. 196-7). A record of his 'nine separate heads of presumption' does not appear to have survived.



If the principles of all he has said and wrote on the occasion, be viewed with common temper, the gentlemen of the party will perceive, that on a supposition that the Americans had rebelled merely in order to enlarge their liberty, Mr. Burke would have thought very differently of the American cause. What might have been in the secret thoughts of some of their leaders it is impossible to say. As far as a man, so locked up as Dr. Franklin, could be expected to communicate his ideas, I believe he opened them to Mr. Burke. It was, I think, the very day before he set out for America, that a very long conversation passed between them, and with a greater air of openness on the Doctor's side, than Mr. Burke had observed in him before. In this discourse Dr. Franklin lamented, and with apparent sincerity, the separation which he feared was inevitable between Great Britain and her colonies. He certainly spoke of it as an event which gave him the greatest concern. America, he said, would never again see such happy days as she had passed under the protection of England. He observed, that ours was the only instance of a great empire, in which the most distant parts and members had been as well governed as the metropolis and its vicinage. But that the Americans were going to lose the means which secured to them this rare and precious advantage. The question with them was not whether they were to remain as they had been before the troubles, for better, he allowed they could not hope to be; but whether they were to give up so happy situation without a struggle?<sup>1</sup> Mr. Burke had several other conversations with him about that time, in none of which, soured and exasperated as his mind certainly was, did he discover any other wish in favour of America than for a security to its *ancient* condition. Mr. Burke's conversation with other Americans was large indeed, and his enquiries extensive and diligent. Trusting to the result of all these means of information, but trusting much more in the public presumptive indications I have just referred to, and to the reiterated solemn declarations of their assemblies, he always firmly believed that they were purely on the defensive in that rebellion. He considered the Americans as standing at that time, and in that controversy, in the same relation to England, as England did to king James the Second, in 1688. He believed, that they had, taken up arms from one motive only; that is our attempting to tax them without their consent; to tax them for the purposes of maintaining civil and

<sup>1</sup> Benjamin Franklin's meeting with Burke shortly before his return to America was probably on 18 March 1775 (Labaree *et al.*, eds., *Franklin Papers*, xxii. 40). Burke's recollection of what Franklin said was probably accurate in essentials. Franklin recorded himself as having spoken in very much the same terms as Burke remembered in a conversation with Lord Chatham in August 1774 (*ibid.*, xxi. 548).

military establishments. If this attempt of ours could have been practically established, he thought with them, that their assemblies would become totally useless; that under the system of policy which was then pursued, the Americans could have no sort of security for their laws or liberties, or for any part of them; and, that the very circumstance of *our* freedom would have augmented the weight of *their* slavery.

Considering the Americans on that defensive footing, he thought Great Britain ought instantly to have closed with them by the repeal of the taxing act.<sup>2</sup> He was of opinion that our general rights over that country would have been preserved by this timely concession.\* When, instead of this, a Boston port bill,<sup>3</sup> a Massachusetts charter bill,<sup>4</sup> a Fishery bill,<sup>5</sup> an Intercourse bill,<sup>6</sup> I know not how many hostile bills rushed out like so many tempests from all points of the compass, and were accompanied first with great fleets and armies of English, and followed afterwards with great bodies of foreign troops,<sup>7</sup> he thought that their cause grew daily better, because daily more defensive; and that ours, because daily more offensive, grew daily worse. He therefore in two motions, in two successive years, proposed in parliament many concessions beyond what he had reason to think in the beginning of the troubles would ever be seriously demanded.<sup>8</sup>

So circumstanced, he certainly never could and never did wish the colonists to be subdued by arms. He was fully persuaded, that if such should be the event, they must be held in that subdued state by a great body of standing forces, and perhaps of foreign forces. He was strongly of opinion, that such armies, first victorious over Englishmen, in a conflict for English constitutional rights and privileges, and afterwards habituated (though in America) to keep an English people in a state of abject subjection, would prove fatal in the end to the liberties of England itself; that in the mean time this military system would lie as an oppressive burthen upon the national finances; that it would constantly breed and feed new discussions, full of heat and acrimony, leading possibly to a new series of wars; and that foreign powers, whilst we continued in a state at once

\* See his speech on American taxation, the 19th of April, 1774.<sup>1</sup>

<sup>1</sup> Vol. ii, pp. 406–63.

<sup>2</sup> That is, the provision for a tax on tea imports that had remained unrepealed out of the other duties laid in 1767 (7 Geo. III, c. 46).

<sup>3</sup> 14 Geo. III, c. 10.

<sup>4</sup> 14 Geo. III, c. 45.

<sup>5</sup> New England Trade and Fisheries Bill, 15 Geo. III, c. 10.

<sup>6</sup> 15 Geo. III, c. 18.

<sup>7</sup> German mercenaries, the largest number of whom came from Hesse.

<sup>8</sup> Probably the Address to the King, of January 1777 (vol. iii, pp. 258–76) and his Speech on the American Commission of 10 April 1778 (ibid., pp. 374–6).

burthened and distracted, must at length obtain a decided superiority over us. On what part of his late publication, or on what expression that might have escaped him in that work, is any man authorized to charge Mr. Burke with a contradiction to the line of his conduct, and to the current of his doctrines on the American war? The pamphlet is in the hands of his accusers, let them point out the passage if they can.

Indeed, the author has been well sifted and scrutinized by his friends. He is even called to an account for every jocular and light expression. A ludicrous picture which he made with regard to a passage in the speech of a late minister,\* has been brought up against him.<sup>2</sup> That passage contained a lamentation for the loss of monarchy to the Americans, after they had separated from Great Britain. He thought it to be unseasonable, ill judged, and ill sorted with the circumstances of all the parties. Mr. Burke, it seems, considered it ridiculous to lament the loss of some monarch or other, to a rebel people, at the moment they had for ever quitted their allegiance to theirs and our sovereign; at the time when they had broken off all connexion with this nation, and had allied themselves with its enemies. He certainly must have thought it open to ridicule; and, now that it is recalled to his memory, (he had, I believe, wholly forgotten the circumstance) he recollects that he did treat it with some levity. But is it a fair inference from a jest on this unseasonable lamentation, that he was then an enemy to monarchy either in this or in any other country? The contrary perhaps ought to be inferred, if any thing at all can be argued from pleasantries good or bad. Is it for this reason, or for any thing he has said or done relative to the American war, that he is to enter into an alliance offensive and defensive with every rebellion, in every country, under every circumstance, and raised upon whatever pretence? Is it because he did not wish the Americans to be subdued by arms, that he must be inconsistent with himself, if he reprobates the conduct of those societies in England, who alledging no one act of tyranny or oppression, and complaining of no hostile attempt against our antient laws, rights, and usages, are now endeavouring to work the destruction of the crown of this kingdom, and the whole of its constitution? Is he obliged, from the concessions he wished to be made to the colonies, to keep any terms with those clubs and federations, who hold out to us as a pattern for imitation, the proceedings

\* Lord Lansdown.<sup>1</sup>

<sup>1</sup> Shelburne became Marquess of Lansdowne in 1784.

<sup>2</sup> On 5 December 1782, see above, p. 347.

in France, in which a king, who had voluntarily and formally divested himself of the right of taxation, and of all other species of arbitrary power, has been dethroned? —Is it because Mr. Burke wished to have America rather conciliated than vanquished, that he must wish well to the army of republics which are set up in France; a country wherein not the people, but the monarch was wholly on the defensive (a poor, indeed, and feeble defensive) to preserve *some fragments* of the royal authority against a determined and desperate body of conspirators, whose object it was, with whatever certainty of crimes, with whatever hazard of war and every other species of calamity, to annihilate the *whole* of that authority; to level all ranks, orders, and distinctions in the state; and utterly to destroy property, not more by their acts than in their principles?

Mr. Burke has been also reproached with an inconsistency between his late writings and his former conduct, because he had proposed in parliament several œconomical, leading to several constitutional reforms. Mr. Burke thought, with a majority of the House of Commons, that the influence of the crown at one time was too great; but after his Majesty had by a gracious message,<sup>1</sup> and several subsequent acts of parliament, reduced it to a standard which satisfied Mr. Fox himself, and, apparently at least, contented whoever wished to go farthest in that reduction, is Mr. Burke to allow that it would be right for us to proceed to indefinite lengths upon that subject? that it would therefore be justifiable in a people owing allegiance to a monarchy, and professing to maintain it, not to *reduce* but wholly to *take away all* prerogative, and *all* influence whatsoever? —Must his having made, in virtue of a plan of œconomical regulation, a reduction of the influence of the crown, compel him to allow, that it would be right in the French or in us to bring a king to so abject a state, as in function not to be so respectable as an under sheriff, but in person not to differ from the condition of a mere prisoner? One would think that such a thing as a medium had never been heard of in the moral world.

This mode of arguing from your having done *any* thing in a certain line, to the necessity of doing *every* thing, has political consequences of other moment than those of a logical fallacy. If no man can propose any diminution or modification of an invidious or dangerous power or influence in government, without entitling friends turned into adversaries, to argue him into the destruction of all prerogative, and to a spoliation of the whole patronage of royalty, I do not know what can more effectually deter persons

<sup>1</sup> See above, p. 141.



of sober minds from engaging in any reform; nor how the worst enemies to the liberty of the subject could contrive any method more fit to bring all correctives on the power of the crown into suspicion and disrepute.

If, say his accusers, the dread of too great influence in the crown of Great Britain could justify the degree of reform which he adopted, the dread of a return under the despotism of a monarchy might justify the people of France in going much further, and reducing monarchy to its present nothing. Mr. Burke does not allow, that a sufficient argument *ad hominem* is inferable from these premises. If the horror of the excesses of an absolute monarchy furnishes a reason for abolishing it, no monarchy once absolute (all have been so at one period or other) could ever be limited. It must be destroyed; otherwise no way could be found to quiet the fears of those who were formerly subjected to that sway. But the principle of Mr. Burke's proceeding ought to lead him to a very different conclusion;—to this conclusion,—that a monarchy is a thing perfectly susceptible of reform; perfectly susceptible of a balance of power; and that, when reformed and balanced, for a great country, it is the best of all governments. The example of our country might have led France, as it has led him, to perceive that monarchy is not only reconcilable to liberty, but that it may be rendered a great and stable security to its perpetual enjoyment. No correctives which he proposed to the power of the crown could lead him to approve of a plan of a republic (if so it may be reputed) which has no correctives, and which he believes to be incapable of admitting any. No principle of Mr. Burke's conduct or writings obliged him, from consistency, to become an advocate for an exchange of mischiefs; no principle of his could compel him to justify the setting up in the place of a mitigated monarchy, a new and far more despotic power, under which there is no trace of liberty, except what appears in confusion and in crime.

Mr. Burke does not admit that the faction predominant in France have abolished their monarchy and the orders of their state, from any dread of arbitrary power that lay heavy on the minds of the people. It is not very long since he has been in that country.<sup>1</sup> Whilst there he conversed with many descriptions of its inhabitants, A few persons of rank did, he allows, discover strong and manifest tokens of such a spirit of liberty, as might be expected one day to break all bounds. Such gentlemen have since had more reason to repent of their want of foresight than I hope any of the same class will ever have in this country. But this spirit was far from general even

<sup>1</sup> Burke visited France in January and February 1773.

amongst the gentlemen. As to the lower orders and those a little above them, in whose name the present powers domineer, they were far from discovering any sort of dissatisfaction with the power and prerogatives of the crown. That vain people were rather proud of them: they rather despised the English for not having a monarch possessed of such high and perfect authority. *They* had felt nothing from *Lettres de Cachet*.<sup>1</sup> The Bastille could inspire no horrors into *them*. This was a treat for their betters. It was by art and impulse; it was by the sinister use made of a season of scarcity;<sup>2</sup> it was under an infinitely diversified succession of wicked pretences, wholly foreign to the question of monarchy or aristocracy, that this light people were inspired with their present spirit of levelling. Their old vanity was led by art to take another turn: It was dazzled and seduced by military liveries, cockades, and epaulets, until the French populace was led to become the willing, but still the proud and thoughtless instrument and victim of another domination. Neither did that people despise, or hate, or fear their nobility. On the contrary, they valued themselves on the generous qualities which distinguished the chiefs of their nation.

So far as to the attack on Mr. Burke, in consequence of his reforms.

To shew that he has in his last publication abandoned those principles of liberty which have given energy to his youth, and in spite of his censors will afford repose and consolation to his declining age, those who have thought proper in parliament to declare against his book, ought to have produced something in it, which directly or indirectly militates with any rational plan of free government. It is something extraordinary, that they whose memories have so well served them with regard to light and ludicrous expressions which years had consigned to oblivion, should not have been able to quote a single passage in a piece so lately published, which contradicts any thing he has formerly ever said in a style either ludicrous or serious. They quote his former speeches, and his former votes, but not one syllable from the book. It is only by a collation of the one with the other that the alledged inconsistency can be established. But as they are unable to cite any such contradictory passage, so neither can they shew any thing in the general tendency and spirit of the whole work unfavourable to a rational and generous spirit of liberty; unless a warm opposition to the spirit of levelling, to the spirit of impiety, to the spirit of proscription,

<sup>1</sup> *Lettres de cachet* were orders by royal authority against which there was no appeal; they were particularly used for confinement without trial.

<sup>2</sup> There were bad harvests and acute food shortages in France in 1788 and 1789.

plunder, murder, and cannibalism,<sup>1</sup> be adverse to the true principles of freedom.

The author of that book is supposed to have passed from extreme to extreme; but he has always kept himself in a medium. This charge is not so wonderful. It is in the nature of things, that they who are in the centre of a circle should appear directly opposed to those who view them from any part of the circumference. In that middle point, however, he will still remain, though he may hear people who themselves run beyond Aurora and the Ganges,<sup>2</sup> cry out, that he is at the extremity of the west.

In the same debate Mr. Burke was represented as arguing in a manner which implied that the British constitution could not be defended but by abusing all republics antient and modern.<sup>3</sup> He said nothing to give the least ground for such a censure. He never abused all republics. He has never professed himself a friend or an enemy to republics or to monarchies in the abstract. He thought that the circumstances and habits of every country, which it is always perilous and productive of the greatest calamities to force, are to decide upon the form of its government. There is nothing in his nature, his temper, or his faculties, which should make him an enemy to any republic modern or antient. Far from it. He has studied the form and spirit of republics very early in life; he has studied them with great attention; and with a mind undisturbed by affection or prejudice. He is indeed convinced that the science of government would be poorly cultivated without that study. But the result in his mind from that investigation has been, and is, that neither England nor France, without infinite detriment to them, as well in the event as in the experiment, could be brought into a republican form; but that every thing republican which can be introduced with safety into either of them, must be built upon a monarchy; built upon a real, not a nominal monarchy, *as its essential basis*; that all such institutions, whether aristocratic or democratic, must originate from their crown, and in all their proceedings must refer to it; that by the energy of that main spring alone those republican parts must be set in action, and from thence must derive their whole legal effect, (as amongst us

<sup>1</sup> Allegations of cannibalism by French mobs were made in the British press. In 1792 Burke said he had documentary proof that French 'cannibals' would tear out the hearts of their victims and squeeze their blood into their wine (see below, p. 411).

<sup>2</sup> This seems to be a reference to the time-zones that span the world as in Dante's *Purgatory*, ii. 1-9.

<sup>3</sup> 'It was', Fox had said, 'the first time that ever he had heard a philosopher state, that the way to do justice to the excellence of the British Constitution was never to mention it without at the same time abusing every other constitution in the world.'

they actually do) or the whole will fall into confusion. These republican members have no other point but the crown in which they can possibly unite.<sup>1</sup>

This is the opinion expressed in Mr. Burke's book. He has never varied in that opinion since he came to years of discretion. But surely, if at any time of his life he had entertained other notions, (which however he has never held or professed to hold) the horrible calamities brought upon a great people, by the wild attempt to force their country into a republick, might be more than sufficient to undeceive his understanding, and to free it for ever from such destructive fancies. He is certain, that many, even in France, have been made sick of their theories by their very success in realizing them.

To fortify the imputation of a desertion from his principles, his constant attempts to reform abuses, have been brought forward. It is true, it has been the business of his strength to reform abuses in government; and his last feeble efforts are employed, in a struggle against them.<sup>2</sup> Politically he has lived in that element; politically he will die in it. Before he departs, I will admit for him that he deserves to have all his titles of merit brought forth, as they have been, for grounds of condemnation, if one word, justifying or supporting abuses of any sort, is to be found in that book which has kindled so much indignation in the mind of a great man.<sup>3</sup> On the contrary, it spares no existing abuse. Its very purpose is to make war with abuses; not, indeed, to make war with the dead, but with those which live, and flourish, and reign.

The *purpose* for which the abuses of government are brought into view, forms a very material consideration in the mode of treating them. The complaints of a friend are things very different from the invectives of an enemy. The charge of abuses on the late monarchy of France, was not intended to lead to its reformation, but to justify its destruction. They who have raked into all history for the faults of kings, and who have aggravated every fault they have found, have acted consistently; because they acted as

<sup>1</sup> In contemporary political debate 'republican' was coming to be equated simply with hostility to monarchy. Older concepts, by which monarchy and republics were not necessarily incompatible, were still, however, very much alive. Whether England was or was not a republic was matter for debate. Montesquieu thought that 'England may be justly called a republic disguised under the form of monarchy'. In the Quebec debate on 11 May Fox had spoken of republics in terms from which Burke, as he shows here, did not fundamentally differ. Fox 'explained that he was so far a republican, that he approved all Governments where the *res publica* was the universal principle and the people, as under our constitution, had considerable weight in the Government' (*Parl. Reg.*, xxix. 392-3). While accepting that there were republican elements in the British constitution, Burke insisted that monarchy was its 'main spring'.

<sup>2</sup> Abuses of British government in India.

<sup>3</sup> Fox.



enemies. No man can be a friend to a tempered monarchy who bears a decided hatred to monarchy itself. He who, at the present time, is favourable, or even fair to that system, must act towards it as towards a friend with frailties, who is under the prosecution of implacable foes. I think it a duty in that case, not to inflame the public mind against the obnoxious person, by any exaggeration of his faults. It is our duty rather to palliate his errors and defects, or to cast them into the shade, and industriously to bring forward any good qualities that he may happen to possess. But when the man is to be amended, and by amendment to be preserved, then the line of duty takes another direction. When his safety is effectually provided for, it then becomes the office of a friend to urge his faults and vices with all the energy of enlightened affection, to paint them in their most vivid colours, and to bring the moral patient to a better habit. Thus I think with regard to individuals; thus I think with regard to antient and respected governments and orders of men. A spirit of reformation is never more consistent with itself, than when it refuses to be rendered the means of destruction.

I suppose that enough is said upon these heads of accusation. One more I had nearly forgotten, but I shall soon dispatch it. The author of the *Reflections*, in the opening of the last parliament, entered on the Journals of the House of Commons a motion for a remonstrance to the crown, which is substantially a defence of the preceding parliament, that had been dissolved under displeasure.<sup>1</sup> It is a defence of Mr. Fox. It is a defence of the Whigs. By what connection of argument, by what association of ideas, this apology for Mr. Fox and his party is, by him and them, brought to criminate his and their apologist, I cannot easily divine. It is true, that Mr. Burke received no previous encouragement from Mr. Fox, nor any the least countenance or support at the time when the motion was made, from him or from any gentleman of the party, one only excepted, from whose friendship, on that and on other occasions, he derives an honour to which he must be dull indeed to be insensible.\* If that remonstrance therefore was a false or feeble defence of the measures of the party, they were in no wise affected by it. It stands on the Journals.<sup>2</sup> This secures to it a permanence which the author cannot expect to any other work of his. Let it speak for itself to the present age, and to all posterity. The party had no concern in it; and it can never be quoted against them. But in the late debate it was

\* Mr. Windham.

<sup>1</sup> *The Representation of 1784*, see above, pp. 183–215.

<sup>2</sup> *Commons Journals*, xl. 198–204.

produced, not to clear the party from an improper defence in which they had no share, but for the kind purpose of insinuating an inconsistency between the principles of Mr. Burke's defence of the dissolved parliament, and those on which he proceeded in his late *Reflections* on France.<sup>1</sup>

It requires great ingenuity to make out such a parallel between the two cases, as to found a charge of inconsistency in the principles assumed in arguing the one and the other. What relation had Mr. Fox's India bill<sup>2</sup> to the constitution of France? What relation had that constitution to the question of right, in an house of commons, to give or to withhold its confidence from ministers, and to state that opinion to the crown? What had this discussion to do with Mr. Burke's idea in 1784, of the ill consequences which must in the end arise to the crown from setting up the commons at large as an opposite interest to the commons in parliament?<sup>3</sup> What has this discussion to do with a recorded warning to the people, of their rashly forming a precipitate judgment against their representatives? What had Mr. Burke's opinion of the danger of introducing new theoretic language unknown to the records of the kingdom, and calculated to excite vexatious questions, into a parliamentary proceeding,<sup>4</sup> to do with the French assembly, which defies all precedent, and places its whole glory in realizing what had been thought the most visionary theories? What had this in common with the abolition of the French monarchy, or with the principles upon which the English revolution was justified; a revolution in which parliament, in all its acts and all its declarations, religiously adheres to 'the form of sound words,'<sup>5</sup> without excluding from private discussions, such terms of art as may serve to conduct an inquiry for which none but private persons are responsible? These were the topics of Mr. Burke's proposed remonstrance; all of which topics suppose the existence and mutual relation of our three estates; as well as the relation of the East India Company to the crown, to parliament, and to the peculiar laws, rights, and usages of the people of Hindostan?<sup>6</sup> What reference, I say, had these

<sup>1</sup> There seems to be no record of the words of Fox to which Burke is alluding. They presumably occurred in a section of his speech on 6 May when Fox described how he and his colleagues had 'formed a party for supporting the true principles of the British constitution' against Pitt's coming to power in December 1783. On his own initiative, Burke had contributed his *Representation* to this campaign. Fox had, it would seem, pointed out what he saw as inconsistencies between Burke's condemnation of the abuse of royal power in the *Representation* and the doctrines that he expounded in the *Reflections*.

<sup>2</sup> The principles of which Burke had strongly defended in the *Representation*.

<sup>3</sup> Burke had condemned attempts to incite protests against the House of Commons at meetings and by addresses to the King, see above, p. 192.

<sup>4</sup> See above, p. 195.

<sup>5</sup> 'Hold fast the form of sound words'; 2 Tim. 1: 13.

<sup>6</sup> See above, pp. 203-14.

topics to the constitution of France, in which there is no king, no lords, no commons, no India company to injure or support, no Indian empire to govern or oppress? What relation had all or any of these, or any question which could arise between the prerogatives of the crown and the privileges of parliament, with the censure of those factious persons in Great Britain, whom Mr. Burke states to be engaged, not in favour of privilege against prerogative, or of prerogative against privilege, but in an open attempt against our crown and our parliament; against our constitution in church and state; against all the parts and orders which compose the one and the other?

No persons were more fiercely active against Mr. Fox, and against the measures of the house of commons dissolved in 1784, which Mr. Burke defends in that remonstrance, than several of those revolution-makers, whom Mr. Burke condemns alike in his remonstrance, and in his book.<sup>1</sup> These revolutionists indeed may be well thought to vary in their conduct. He is, however, far from accusing them, in this variation, of the smallest degree of inconsistency. He is persuaded, that they are totally indifferent at which end they begin the demolition of the constitution.—Some are for commencing their operations with the destruction of the civil powers, in order the better to pull down the ecclesiastical; some wish to begin with the ecclesiastical, in order to facilitate the ruin of the civil; some would destroy the house of commons through the crown; some the crown through the house of commons; and some would overturn both the one and the other through what they call the people. But I believe that this injured writer will think it not at all inconsistent with his present duty, or with his former life, strenuously to oppose all the various partizans of destruction, let them begin where, or when, or how they will. No man would set his face more determinedly against those who should attempt to deprive them, or any description of men, of the rights they possess. No man would be more steady in preventing them from abusing those rights to the destruction of that happy order under which they enjoy them. As to their title to any thing further, it ought to be grounded on the proof they give of the safety with which power may be trusted in their hands. When they attempt without disguise, not to win it from our affections, but to force it from our fears, they shew, in the character of their means of obtaining it, the use they

<sup>1</sup> Burke held Dissenters responsible for 'the Slaughter . . . of the most honourable and Virtuous Men in the Kingdom' by their votes in the 1784 election (*Corr.* v. 471). Radical opinion had generally been strongly opposed to the Coalition and to Fox's India Bill.

would make of their dominion. That writer is too well read in men, not to know how often the desire and design of a tyrannic domination lurks in the claim of an extravagant liberty. Perhaps in the beginning it *always* displays itself in that manner. No man has ever affected power which he did not hope from the favour of the existing government, in any other mode.

The attacks on the author's consistency relative to France, are (however grievous they may be to his feelings) in a great degree external to him and to us, and comparatively of little moment to the people of England. The substantial charge upon him is concerning his doctrines relative to the Revolution of 1688. Here it is, that they who speak in the name of the party have thought proper to censure him the most loudly, and with the greatest asperity.<sup>1</sup> Here they fasten; and, if they are right in their fact, with sufficient judgment in their selection. If he be guilty in this point he is equally blameable, whether he is consistent or not. If he endeavours to delude his countrymen by a false representation of the spirit of that leading event, and of the true nature and tenure of the government formed in consequence of it, he is deeply responsible; he is an enemy to the free constitution of the kingdom. But he is not guilty in any sense. I maintain that in his *Reflections* he has stated the Revolution and the settlement upon their true principles of legal reason and constitutional policy.<sup>2</sup>

His authorities are the acts and declarations of parliament given in their proper words. So far as these go, nothing can be added to what he has quoted. The question is, whether he has understood them rightly, I think they speak plain enough. But we must now see whether he proceeds with other authority than his own constructions; and if he does, on what sort of authority he proceeds. In this part, his defence will not be made by argument, but by wager of law. He takes his compurgators,<sup>3</sup> his vouchers, his guarantees, along with him. I know, that he will not be satisfied with a justification proceeding on general reasons of policy. He must be defended on party grounds too; or his cause is not so tenable as I wish it to appear. It must be made out for him, not only, that in his construction of these public acts and monuments he conforms himself to the rules of fair, legal, and

<sup>1</sup> Fox had dissented from Burke's interpretation of the Glorious Revolution in the debate on the Army Estimates on 9 February 1790 (see above, p. 294, n. 4). On 1 February 1793 he was to set out his differences from Burke: James II had been 'cashiered' by 'a Convention speaking the sense of the people; that Convention produced both a Parliament and a King . . . He could not admit the right to do all this but by acknowledging the sovereignty of the people as paramount to all other laws' (*Parl. Reg.*, xxxiv. 417-18).

<sup>2</sup> See esp. vol. viii, pp. 66-83.

<sup>3</sup> Character witnesses.



logical interpretation; but it must be proved that his construction is in perfect harmony with that of the ancient Whigs, to whom, against the sentence of the modern, on his part, I here appeal.

This July, it will be twenty-six years\* since he became connected with a man whose memory will ever be precious to Englishmen of all parties, as long as the ideas of honour and virtue, public and private, are understood and cherished in this nation.<sup>1</sup> That memory will be kept alive with particular veneration by all rational and honourable Whigs. Mr. Burke entered into a connexion with that party, through that man, at an age, far from raw and immature;<sup>2</sup> at those years when men are all they are ever likely to become; when he was in the prime and vigour of his life; when the powers of his understanding, according to their standard, were at the best; his memory exercised; his judgment formed; and his reading, much fresher in the recollection, and much readier in the application, than now it is. He was at that time as likely as most men to know what were Whig and what were Tory principles. He was in a situation to discern what sort of Whig principles they entertained, with whom it was his wish to form an eternal connexion, Foolish he would have been at that time of life (more foolish than any man who undertakes a public trust would be thought) to adhere to a cause, which he, amongst all those who were engaged in it, had the least sanguine hopes of, as a road to power.

There are who remember, that on the removal of the Whigs in the year 1766, he was as free to choose another connexion as any man in the kingdom. To put himself out of the way of the negotiations which were then carrying on very eagerly, and through many channels, with the Earl of Chatham,<sup>3</sup> he went to Ireland very soon after the change of ministry, and did not return until the meeting of parliament. He was at that time free from any thing which looked like an engagement. He was further free at the desire of his friends; for the very day of his return, the Marquis of Rockingham wished him to accept an employment under the new system. He believes he might have had such a situation; but again he cheerfully took his fate with the party.<sup>4</sup>

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\* July 17th 1765.

<sup>1</sup> Rockingham.

<sup>2</sup> He was 35.

<sup>3</sup> A number of those who had served in the Rockingham administration remained in office under his successor, Chatham.

<sup>4</sup> See *Corr.* i. 277-9.

It would be a serious imputation upon the prudence of my friend, to have made even such trivial sacrifices as it was in his power to make, for principles which he did not truly embrace, or did not perfectly understand. In either case the folly would have been great. The question now is, whether, when he first practically professed Whig principles, he understood what principles he professed; and whether, in his book, he has faithfully expressed them.

When he entered into the Whig party, he did not conceive that they pretended to any discoveries.<sup>1</sup> They did not affect to be better Whigs, than those were who lived in the days in which principle was put to the test. Some of the Whigs of those days were then living. They were what the Whigs had been at the Revolution; what they had been during the reign of queen Anne; what they had been at the accession of the present royal family.<sup>2</sup>

What they were at those periods is to be seen. It rarely happens to a party to have the opportunity of a clear, authentic, recorded, declaration of their political tenets upon the subject of a great constitutional event like that of the Revolution. The Whigs had that opportunity, or, to speak more properly, they made it. The impeachment of Dr. Sacheverel was undertaken by a Whig Ministry and a Whig House of Commons, and carried on before a prevalent and steady majority of Whig Peers.<sup>3</sup> It was carried on for the express purpose of stating the true grounds and principles of the Revolution; what the Commons emphatically called their *foundation*.<sup>4</sup> It was carried on for the purpose of condemning the principles on which the Revolution was first opposed, and afterwards calumniated, in order

<sup>1</sup> That the Rockinghams constituted a Whig party, distinct from other political groups in the 1760s, as the lineal descendants of the Whigs of the reign of Queen Anne and the governing party of the earlier eighteenth century, was a contentious doctrine that Burke did much to propagate, especially in *Thoughts on the Present Discontents*, and to which he always adhered.

<sup>2</sup> Two of the great Whig figures of the earlier eighteenth century, Philip Yorke, 1st Earl of Hardwicke, and Thomas Pelham Holles, 1st Duke of Newcastle (1693–1768), were still in public life when Burke began to become active in politics.

<sup>3</sup> The Revd Henry Sacheverell, DD (c.1674–1724) was an extreme Tory and High Churchman who had been impeached by the House of Commons in 1710 on the initiative of Whig ministers for inflammatory sermons, denouncing the toleration of Protestant Dissenters and proclaiming that obedience to royal authority in all circumstances was an absolute obligation for Christians. The obvious implication of this was to call in question the legitimacy of the Revolution of 1688 and the settlement that had followed it. He was brought to trial before the House of Lords in February and March 1710 and found guilty. For recent accounts, see G. Holmes, *The Trial of Doctor Sacheverell*, London, 1973; B. Cowan, *The State Trial of Dr Henry Sacheverell*, London, 2012; M. Knights, ed., *Faction Displayed: Reconsidering the Impeachment of Dr Henry Sacheverell*, London, 2012.

<sup>4</sup> See below, p. 412.

by a juridical sentence of the highest authority to confirm and fix Whig principles, as they had operated both in the resistance to King James, and in the subsequent settlement; and to fix them in the extent and with the limitations with which it was meant they should be understood by posterity. The ministers and managers for the Commons were persons who had, many of them, an active share in the Revolution. Most of them had seen it at an age capable of reflection. The grand event, and all the discussions which led to it, and followed it, were then alive in the memory and conversation of all men. The managers for the Commons must be supposed to have spoken on that subject the prevalent ideas of the leading party in the Commons, and of the Whig ministry. Undoubtedly they spoke also their own private opinions; and the private opinions of such men are not without weight. They were not *umbratiles doctores*,<sup>1</sup> men who had studied a free constitution only in its anatomy, and upon dead systems. They knew it alive and in action.

In this proceeding, the Whig principles, as applied to the Revolution and settlement, are to be found, or they are to be found no where. I wish the Whig readers of this appeal first to turn to Mr. Burke's *Reflections* from p. 20 to p. 50,<sup>2</sup> and then to attend to the following extracts from the trial of Dr. Sacheverel. After this, they will consider two things; first, whether the doctrine in Mr. Burke's *Reflections* be consonant to that of the Whigs of that period; and secondly, whether they choose to abandon the principles which belonged to the progenitors of some of them, and to the predecessors of them all, and to learn new principles of Whiggism, imported from France, and disseminated in this country from dissenting pulpits, from federation societies, and from the pamphlets, which (as containing the political creed of those synods) are industriously circulated in all parts of the two kingdoms. This is their affair, and they will make their option.

Those new Whigs hold, that the sovereignty, whether exercised by one or many, did not only originate *from* the people (a position not denied, nor worth denying or assenting to) but that, in the people the same sovereignty constantly and unalienably resides; that the people may lawfully depose kings, not only for misconduct, but without any misconduct at all; that they may set up any new fashion of government for themselves, or continue without any government at their pleasure; that the people are essentially their own rule, and their will the measure of their conduct;

<sup>1</sup> Cloistered academics.<sup>2</sup> Vol. viii, pp. 64–85.

that the tenure of magistracy is not a proper subject of contract; because magistrates have duties, but no rights: and that if a contract *de facto* is made with them in one age, allowing that it binds at all, it only binds those who were immediately concerned in it, but does not pass to posterity. These doctrines concerning the *people* (a term which they are far from accurately defining, but by which, from many circumstances, it is plain enough they mean their own faction, if they should grow by early arming, by treachery, or violence, into the prevailing force) tend, in my opinion, to the utter subversion, not only of all government, in all modes, and to all stable securities to rational freedom, but to all the rules and principles of morality itself.

I assert, that the ancient Whigs held doctrines, totally different from those I have last mentioned. I assert, that the foundations laid down by the Commons, on the trial of Doctor Sacheverel, for justifying the revolution of 1688, are the very same laid down in Mr. Burke's *Reflections*; that is to say,—a breach of the *original contract*, implied and expressed in the constitution of this country, as a scheme of government fundamentally and inviolably fixed in King, Lords, and Commons.—That the fundamental subversion of this antient constitution, by one of its parts, having been attempted, and in effect accomplished, justified the Revolution. That it was justified *only* upon the *necessity* of the case; as the *only* means left for the recovery of that *antient* constitution, formed by the *original contract* of the British state; as well as for the future preservation of the *same* government. These are, the points to be proved.

A general opening to the charge against Dr. Sacheverel was made by the Attorney General, Sir John Montagu;<sup>1</sup> but as there is nothing in that opening speech which tends very accurately to settle the principle upon which the Whigs proceeded in the prosecution (the plan of the speech not requiring it) I proceed to that of Mr. Lechmere, the manager<sup>2</sup> who spoke next after him.<sup>3</sup> The following are extracts, given, not in the exact order in which they stand in the printed trial, but in that which is thought most fit to bring the ideas of the Whig Commons distinctly under our view.

<sup>1</sup> Sir James Montagu (1666–1723).

<sup>2</sup> The prosecution was presented by a committee of managers appointed by the Commons.

<sup>3</sup> Nicholas Lechmere (1675–1727), later (1721) 1st Baron Lechmere, was a radical Whig, supporter of the group known as the Junto.



\*MR. LECHMERE.

'It becomes an *indispensable* duty upon us, who appear in the name and on the behalf of all the Commons of Great Britain, not only to demand your lordships justice on such a criminal [Dr. Sacheverel] *but clearly and openly to assert our foundations.* — — —

The nature of our constitution is that of a *limited monarchy*; wherein the supreme power is communicated and divided between Queen, Lords, and Commons; though the executive power and administration be wholly in the crown. The terms of such a constitution do not only suppose, but express, an original contract between the crown and the people by which that supreme power was (by mutual consent, and not by accident) limited, and lodged in more hands than one. And *the uniform preservation of such a constitution for so many ages, without any fundamental change, demonstrates to your lordships the continuance of the same contract.* — — —

The consequences of such a frame of government are obvious. That the *laws* are the rule to both; the common measure of the power of the crown and of the obedience of the subject; and if the executive part endeavours the *subversion and total destruction of the government*, the original contract is thereby broke and the right of allegiance ceases; that part of the government, thus *fundamentally* injured, hath a right to save or recover *that* constitution, in which it had an original interest. — — —

The *necessary* means (which is the phrase used by the Commons in their first article) are words made choice of by them *with the greatest caution*. Those means are described (in the preamble to their charge) to be, that glorious enterprize, which his late majesty<sup>3</sup> undertook, with an armed force, to deliver this kingdom from popery and arbitrary power; the concurrence of many subjects of the realm, who came over with him in that enterprize, and of many others of *all ranks and orders*, who appeared in arms in many parts of the kingdom in aid of that enterprize.

These were the *means* that brought about the Revolution; and which the act that passed soon after, *declaring the rights and liberties of the subject, and settling the succession of the crown*, intends, when his late majesty is therein

\* State Trials, vol. v. p. 651.<sup>1</sup>

<sup>1</sup> Burke was probably using Francis Hargrave, ed., *A Complete Collection of State Trials and Proceedings for High Treason and Other Crimes and Misdemeanors* . . . , 4th edn., 11 vols., London, 1776–81. If so, the page reference is incorrect. Burke also owned copies of Jacob Tonson's *The Tryall of Dr Henry Sacheverell*, London, 1710 (Clark, Introduction, *Edmund Burke, Reflections*, p. 40).

<sup>2</sup> The running marginal notations are Burke's.

<sup>3</sup> William III.

called the *glorious instrument of delivering the kingdom*;<sup>1</sup> and which the Commons, in the last part of their first article, express by the word *resistance*.<sup>2</sup>

But the Commons, who will never be unmindful of the *allegiance* of the subjects to the *crown* of this realm, judged it highly incumbent upon them, out of regard to *the safety of her majesty's person and government, and the antient and legal constitution of this kingdom*, to call that resistance the *necessary means*; thereby plainly founding that power, right, and resistance, which was exercised by the people at the time of the happy Revolution, and which the duties of *self-preservation* and religion called them to, *upon the NECESSITY of the case, and at the same time effectually securing her majesty's government, and the due allegiance of all her subjects*. — — —

The nature of such an *original contract* of government proves, that there is not only a power in the people, who have *inherited this freedom*, to assert their own title to it; but they are bound in duty to transmit the *same constitution* to their posterity also.'

Regard of the Commons to their allegiance to the crown, and to the antient constitution.

All ages have the same interest in preservation of the contract, and the same constitution.

\* \* \* \* \*

Mr. Lechmere made a second speech. Notwithstanding the clear and satisfactory manner in which he delivered himself in his first upon this arduous question, he thinks himself bound again distinctly to assert the same foundation; and to justify the Revolution on the *case of necessity only*, upon principles perfectly coinciding with those laid down in Mr. Burke's Letter on the French affairs.

#### MR. LECHMERE.

'Your lordships were acquainted, in opening the charge, with how *great caution*, and with what unfeigned regard to her majesty and her government, and the *duty and allegiance* of her subjects, the commons made use of the words *necessary means*, to express the resistance that was made use of to bring about the Revolution, and with the condemning of which the Doctor is charged by this article; not doubting but that the honour and justice of that resistance, *from the necessity of that case, and to which alone we have strictly confined ourselves*, when duly considered, would confirm and

The commons strictly confine their ideas of a Revolution to necessity alone and self-defence.

<sup>1</sup> William III was called 'the glorious Instrument of Delivering this Kingdome from Popery and Arbitrary Power' in the Bill of Rights of 1689.

<sup>2</sup> '... that his late Majesty [William III] . . . disclaimed the least imputation of Resistance; and that to impute Resistance to the said Revolution is to cast black and odious colours upon his late Majesty and upon the said Revolution.'

†NB. The remark implies that allegiance would be insecure without this restriction.

strengthen,† and be understood to be an effectual security for an allegiance of the subject to the crown of this realm, *in every other case where there is not the same necessity*; and that the right of the people to *self-defence, and preservation of their liberties, by resistance, as their last remedy, is the result of a case of such necessity only, and by which the original contract between king and people, is broke. This was the principle laid down and carried through all that was said with respect to allegiance; and on which foundation, in the name and on the behalf of all the commons of Great Britain, we assert and justify that resistance by which the late happy revolution was brought about.* — — —

It appears to your lordships and the world, that *breaking, the original contract between king and people*, were the words made choice of by that House of Commons, [the House of Commons which had originated the declaration of right,] with the *greatest deliberation and judgment*, and approved of by your lordships, in that first and fundamental step towards the *re-establishment of the government*, which had received so great a shock from the evil counsels which had been given to that unfortunate prince.<sup>1</sup>

\* \* \* \* \*

Sir John Hawles,<sup>2</sup> another of the managers, follows the steps of his brethren, positively affirming the doctrine of non-resistance to government to be the general, moral, religious, and political rule for the subject; and justifying the Revolution on the same principle with Mr. Burke, that is, *as an exception from necessity*:—Indeed he carries the doctrine on the general idea of non-resistance much further than Mr. Burke has done; and full as far as it can perhaps be supported by any duty of *perfect obligation*; however noble and heroic it may be, in many cases, to suffer death rather than disturb the tranquillity of our country.

\*SIR JOHN HAWLES.

‘Certainly it must be granted, that the doctrine that commands obedience to the supreme power, *though in things contrary to nature*, even to suffer death, which is the highest injustice that can be done a man, rather than make an opposition to the supreme power\*\* [is reasonable;] because the

\* P. 676.

\*\* The words necessary to the completion of the sentence are wanted in the printed trial—but the construction of the sentence, as well as the foregoing part of the speech, justify the insertion of some such supplemental words as the above.

<sup>1</sup> James II.

<sup>2</sup> (1645–1716).

death of one, or some few private persons, is a less evil than *disturbing the whole government*; that law must needs be understood to forbid the doing or saying any thing to disturb the government; the rather because the obeying that law cannot be pretended to be against nature: and the Doctor's refusing to obey that implicit law, is the reason for which he is now prosecuted; though he would have it believed, that the reason he is now prosecuted, was for the doctrine he asserted of obedience to the supreme power; which he might have preached as long as he had pleased, and the Commons would have taken no offence at it, if he had stopped there, and not have taken upon him, on that pretence or occasion, to have cast odious colours upon the Revolution.<sup>1</sup>

\* \* \* \* \*

General Stanhope<sup>1</sup> was among the managers: He begins his speech by a reference to the opinion of his fellow managers, which he hoped had put beyond all doubt the limits and qualifications that the Commons had placed to their doctrines concerning the Revolution; yet not satisfied with this general reference, after condemning the principle of non-resistance, which is asserted in the sermon *without any exception*, and stating, that under the specious pretence of preaching a peaceable doctrine, Sacheverel and the Jacobites meant in reality to excite a rebellion in favour of the Pretender, he explicitly limits his ideas of resistance with the boundaries laid down by his colleagues and by Mr. Burke.

#### GENERAL STANHOPE.

'The constitution of England is founded upon *compact*; and the subjects of this kingdom have, in their several public and private capacities, *as* legal a title to what are their rights by law, *as* a prince to the possession of his crown.

Rights of the subject  
and and the crown  
equally legal.

Your lordships, and most that hear me, are witnesses, and must remember the *necessities* of those times which brought about the Revolution: that *no other* remedy was left to preserve our religion and liberties; *that resistance was necessary and consequently just*. — — —

Justice of resistance  
founded on necessity.

Had the Doctor, in the remaining part of his sermon, preached up peace, quietness, and the like, and shewn how happy we are under her majesty's administration, and exhorted obedience to it, he had never been called to

<sup>1</sup> James Stanhope (1673–1721), later (1717) 1st Viscount Stanhope, (1718) 1st Earl Stanhope.



answer a charge at your lordships bar. But the tenor of all his subsequent discourse is one continued invective against the government.'

\* \* \* \* \*

Mr. Walpole (afterwards Sir Robert) was one of the managers on this occasion.<sup>1</sup> He was an honourable man and a sound Whig. He was not, as the Jacobites and discontented Whigs of his time have represented him, and as ill-informed people still represent him, a prodigal and corrupt minister. They charged him in their libels and seditious conversations as having first reduced corruption to a system. Such was their cant. But he was far from governing by corruption. He governed by party attachments. The charge of systematic corruption is less applicable to him, perhaps, than to any minister who ever served the crown for so great a length of time. He gained over very few from the Opposition. Without being a genius of the first class, he was an intelligent, prudent, and safe minister. He loved peace; and he helped to communicate the same disposition to nations at least as warlike and restless as that in which he had the chief direction of affairs. Though he served a master who was fond of martial fame,<sup>2</sup> he kept all the establishments very low. The land tax continued at two shillings in the pound for the greater part of his administration. The other impositions were moderate. The profound repose, the equal liberty, the firm protection of just laws during the long period of his power, were the principal causes of that prosperity which afterwards took such rapid strides towards perfection; and which furnished to this nation ability to acquire the military glory which it has since obtained, as well as to bear the burthens, the cause and consequence of that warlike reputation. With many virtues, public and private, he had his faults; but his faults were superficial. A careless, coarse, and over familiar style of discourse, without sufficient regard to persons or occasions, and an almost total want of political decorum, were the errors by which he was most hurt in the public opinion: and those through which his enemies obtained the greatest advantage over him. But justice must be done. The prudence, steadiness, and vigilance of that man, joined to the greatest possible lenity in his character and his politics, preserved the crown to this royal family; and with it, their laws and liberties to this country. Walpole had no other plan of defence for the Revolution, than

<sup>1</sup> Robert Walpole (1676–1745), later (1742) 1st Earl of Orford, at this time Secretary at War, was to become the King's chief minister from 1722 to 1742. Burke clearly felt a deep admiration for a man whom he regarded as a great Whig statesman. He had used the term 'a safe minister' in a similar assessment of him in a letter of 1781 (*Corr.* x. 9–10).

<sup>2</sup> George II.

that of the other managers, and of Mr. Burke; and he gives full as little countenance to any arbitrary attempts, on the part of restless and factious men, for framing new governments according to their fancies.

MR WALPOLE.

‘Resistance is no where enacted to be legal, but subjected, by all the laws now in being, to the greatest penalties. It is what is not, cannot, nor ought ever to be described, or affirmed, in any positive law, to be excusable: when, and upon what *never-to-be-expected* occasions, it may be exercised, no man can foresee; *and it ought never to be thought of, but when an utter subversion of the laws of the realm threatens the whole frame of our constitution, and no redress can otherwise be hoped for.* It therefore does, and *ought for ever*, to stand, in the eye and letter of the law, as the *highest offence*. But because any man, or party of men, may not, out of folly or wantonness, commit treason, or make their own discontents, ill principles, or disguised affections to another interest, a pretence to resist the supreme power, will it follow from thence that the *utmost necessity* ought not to engage a nation, *in its own defence, for the preservation of the whole?*’

Case of resistance out of the law; and the highest offence.

Utmost necessity justifies it.

\* \* \* \* \*

Sir Joseph Jekyl<sup>1</sup> was, as I have always heard and believed, as nearly as any individual could be, the very standard of Whig principles in his age. He was a learned, and an able man; full of honour, integrity, and public spirit; no lover of innovation; nor disposed to change his solid principles for the giddy fashion of the hour. Let us hear this Whig.

SIR JOSEPH JEKYL.

‘In clearing up and vindicating the justice of the Revolution, which was the second thing proposed, it is far from the intent of the Commons to state the *limits and bounds* of the subject’s submission to the sovereign. That which the law hath been wisely silent in, the Commons desire to be silent in too; nor will they put *any* case of a justifiable resistance, but that of the Revolution only; and *they persuade themselves that the doing right to that resistance will be so far from promoting popular licence or confusion, that it will have a contrary effect, and be a means of settling men’s minds in the love of, and*

Commons do not state the limits of submission.

To secure the laws, the only aim of the Revolution.

<sup>1</sup> Sir Joseph Jekyll (1663–1738), Chief Justice of Chester.

*veneration for the laws; to rescue and secure which, was the ONLY aim and intention of those concerned in resistance.'*

\* \* \* \* \*

Dr. Sacheverel's counsel defended him on this principle, namely—that whilst he enforced from the pulpit the general doctrine of non-resistance, he was not obliged to take notice of the theoretic limits which ought to modify that doctrine. Sir Joseph Jekyl, in his reply, whilst he controverts its application to the Doctor's defence, fully admits and even enforces the principle itself, and supports the Revolution of 1688, as he and all the managers had done before, exactly upon the same grounds on which Mr. Burke has built, in his Reflections on the French Revolution.

#### SIR JOSEPH JEKYL.

'If the Doctor had pretended to have stated the particular bounds and limits of non-resistance, and told the people in what cases they might, or might not resist, *he would have been much to blame*; nor was one word said in the articles, or by the managers, as if that was expected from him: but, *on the contrary, we have insisted, that in NO case can resistance be lawful, but in case of extreme necessity, and where the constitution cannot otherwise be preserved; and such necessity ought to be plain and obvious to the sense and judgment of the whole nation; and this was the case at the Revolution.'*

\* \* \* \* \*

The counsel for Doctor Sacheverel, in defending their client, were driven in reality to abandon the fundamental principles of his doctrine, and to confess, that an exception to the general doctrine of passive obedience and non-resistance did exist in the case of the Revolution. This the managers for the Commons considered as having gained their cause; as their having obtained *the whole* of what they contended for. They congratulated themselves and the nation on a civil victory, as glorious and as honourable as any that had obtained in arms during that reign of triumphs.

Sir Joseph Jekyl, in his reply to Harcourt,<sup>1</sup> and the other great men who conducted the cause for the Tory side, spoke in the following memorable terms, distinctly stating the whole of what the Whig House of Commons contended for, in the name of all their constituents: — — —

<sup>1</sup> Sir Simon Harcourt (1661–1727), later (1711) 1st Baron Harcourt, (1721) 1st Viscount Harcourt, a formidable advocate and powerful orator, who was able to accept Sacheverell's brief because he was temporarily without a seat in the Commons.

SIR JOSEPH JEKYL.

'My lords, the concessions [the concessions of Sacheverel's counsel] are these:—That *necessity* creates an *exception* to the general rule of submission to the prince;—that such exception is understood or implied in the laws that require such submission;—and that *the case of the Revolution was a case of necessity*.

Necessity creates an exception, and the Revolution a case of necessity, the utmost extent of the demand of the Commons.

These are concessions *so ample*, and do so *fully* answer the drift of the Commons in this article, and are to *the utmost extent of their meaning in it*, that I can't forbear congratulating them upon this success of their impeachment; that in full parliament, this erroneous doctrine of *unlimited* non-resistance is given up, and disclaimed. And may it not, in after ages, be an addition to the glories of this bright reign, that so many of those who are honoured with being in her majesty's service have been at your lordships bar, thus successfully contending for the *national* rights of her people, and proving they are not precarious or remediless?

But to return to these concessions; I must appeal to your lordships, whether they are not a *total departure* from the Doctor's answer.'

\* \* \* \* \*

I now proceed to shew that the Whig managers for the Commons meant to preserve the government on a firm foundation, by asserting the perpetual validity of the settlement then made, and its coercive power upon posterity. I mean to shew that they gave no sort of countenance to any doctrine tending to impress the *people*, taken separately from the legislature which includes the crown, with an idea that *they* had acquired a moral or civil competence to alter (without breach of the original compact on the part of the king) the succession to the crown, at their pleasure; much less that they had acquired any right, in the case of such an event as caused the Revolution, to set up any new form of government. The author of the *Reflections*, I believe, thought that no man of common understanding could oppose to this doctrine, the ordinary sovereign power, as declared in the act of queen Anne. That is, that the kings or queens of the realm, with the consent of parliament, are competent to regulate and to settle the succession of the crown.<sup>1</sup> This power is and ever was inherent in the

<sup>1</sup> Burke is answering a point made by Price, on the advice of 'the truly patriotic' Lord Stanhope, in revised editions of his *Discourse* that the Regency Act of 1707 (6 Anne, c. 41), which made it treasonable to deny that the Crown and Parliament could make laws 'of sufficient force and validity to limit and bind the crown and the descent, limitation, inheritance and government thereof', showed that the 'English nation' had retained a right to elect their Kings (*A Discourse on the Love of our Country*, 4th edn., London, 1790, pp. xii–xiii).



supreme sovereignty; and was not, as the political divines vainly talk, acquired by the revolution. It is declared in the old statute of Queen Elizabeth.<sup>1</sup> Such a power must reside in the complete sovereignty of every kingdom; and it is in fact exercised in all of them. But this right of *competence* in the legislature, not in the people, is by the legislature itself to be exercised with, *sound discretion*; that is to say, it is to be exercised or not, in conformity to the fundamental principles of this government; to the rules of moral obligation; and to the faith of pacts, either contained in the nature of the transaction or entered into by the body corporate of the kingdom; which body, in juridical construction, never dies; and in fact never loses its members at once by death.

Whether this doctrine is reconcileable to the modern philosophy of government, I believe the author neither knows nor cares; as he has little respect for any of that sort of philosophy. This may be because his capacity and knowledge do not reach to it. If such be the case, he cannot be blamed, if he acts on the sense of that incapacity; he cannot be blamed, if in the most arduous and critical questions which can possibly arise, and which affect to the quick the vital parts of our constitution, he takes the side which leans most to safety and settlement; that he is resolved not "to be wise beyond what is written"<sup>2</sup> in the legislative record and practice; that when doubts arise on them, he endeavours to interpret one statute by another; and to reconcile them all to established recognized morals, and to the general antient known policy of the laws of England. Two things are equally evident, the first is, that the legislature possesses the power of regulating the succession of the crown; the second, that in the exercise of that right it has uniformly acted as if under the *restraints* which the author has stated. That author makes what the ancients call *mos majorum*,<sup>3</sup> not indeed his sole, but certainly his principal rule of policy, to guide his judgment in whatever regards our laws. Uniformity and analogy can be preserved in them by this process only. That point being fixed, and laying fast hold of a strong bottom, our speculations may swing in all directions, without public detriment; because they will ride with sure anchorage.

In this manner these things have been always considered by our ancestors. There are some indeed who have the art of turning the very acts of parliament which were made for securing the hereditary succession in the

<sup>1</sup> The Act of Supremacy of 1559 (1 Eliz. I, c. 1).

<sup>2</sup> Presumably a legal maxim; Burke used this phrase in his *Speech on Conciliation with America*; vol. iii. p. 147.

<sup>3</sup> Ancestral custom.

present royal family by rendering it penal to doubt of the validity of those acts of parliament, into an instrument for defeating all their ends and purposes: but upon grounds so very foolish, that it is not worth while to take further notice of such sophistry.<sup>1</sup>

To prevent any unnecessary subdivision, I shall here put together what may be necessary to shew the perfect agreement of the Whigs with Mr. Burke, in his assertions, that the Revolution made no “essential change in the constitution of the monarchy, or in any of its ancient, sound, and legal principles; that the succession was settled in the Hanover family, upon the idea, and in the mode of an hereditary succession qualified with Protestantism; that it was not settled upon *elective* principles, in any sense of the word *elective*, or under any modification or description of *election* whatsoever; but, on the contrary, that the nation, after the Revolution, renewed by a fresh compact the spirit of the original compact of the state, binding itself, *both in its existing members and all its posterity*, to adhere to the settlement of an hereditary succession in the Protestant line, drawn from James the First, as the stock of inheritance.”<sup>2</sup>

#### SIR JOHN HAWLES.

‘If he [Dr. Sacheverel] is of the opinion he pretends, I cannot imagine how it comes to pass, that he that pays that deference to the supreme power has preached so directly contrary to the determinations of the supreme power in this government; he very well knowing that the lawfulness of the Revolution, and of the means whereby it was brought about, has already been determined by the aforesaid, acts of parliament: and do it in the worst manner he could invent. *For questioning the right to the crown here in England, has procured the shedding of more blood, and caused more slaughter, than all the other matters tending to disturbances in the government, put together.* If, therefore, the doctrine which the apostles had laid down, was only to continue the peace of the world, as thinking the death of some few particular persons better to be borne with than a civil war; sure it is the highest breach of that law to question the first principles of this government.

If the Doctor, had been contented with the liberty he took of preaching up the duty of passive obedience, in the most *extensive* manner he had

Necessity of settling the right of the crown, and submission to the settlement.

<sup>1</sup> Price’s point about the Regency Act of 1707.

<sup>2</sup> Burke is summarizing the argument in the *Reflections*.

thought fit, and would have stopped there, your lordships would not have had the trouble, in relation to him, that you now have; but it is plain, that he preached up his absolute and unconditional obedience, not *to continue the peace and tranquillity of this nation, but to set the subjects at strife, and to raise a war in the bowels of this nation*; and it is for *this* that he is now prosecuted; though he would fain have it believed that the prosecution was for preaching the peaceable doctrine of absolute obedience.'

\* \* \* \* \*

SIR JOSEPH JEKYL.

'The whole tenor of the administration, then in being, was agreed by all to be *a total departure from the constitution*. The nation was at that time united in that opinion, all but the criminal part of it. And as the nation joined in the judgment of their disease, so they did in the remedy. *They saw there was no remedy left, but the last*; and when that remedy took place, *the whole frame of the government was restored entire and unhurt*.<sup>\*</sup> *This shewed the excellent temper the nation was in at that time, that, after such provocations from an abuse of the regal power, and such a convulsion, no one part of the constitution was altered, or suffered the least damage; but, on the contrary, the whole received new life and vigour.*'

\* \* \* \* \*

The Tory council for Dr. Sacheverel<sup>2</sup> having insinuated, that a great and essential alteration in the constitution had been wrought by the Revolution. Sir Joseph Jekyl is so strong on this point, that he takes fire even at the insinuation of his being of such an opinion.

SIR JOSEPH JEKYL.

'If the, Doctor instructed his counsel to insinuate that there was *any innovation in the constitution wrought by the Revolution, it is an addition to his*

\* 'What we did was, in truth and substance and in a constitutional light, a revolution, not made, but prevented. We took solid securities; we settled doubtful questions; we corrected anomalies in our law. In the stable fundamental parts of our constitution we made no revolution; no, nor any alteration at all. We did not impair the monarchy. Perhaps it might be shewn that we strengthened it very considerably. The nation kept the same ranks, the same orders, the same privileges, the same franchises, the same rules for property, the same subordinations, the same order in the law, in the revenue, and in the magistracy; the same lords, the same commons, the same corporations, the same electors.' *Mr. Burke's speech in the House of Commons, 9th February 1790.*<sup>1</sup> It appears how exactly he coincides in every thing with Sir Joseph Jekyl.

<sup>1</sup> See above, p. 292.

<sup>2</sup> Dr Humphrey Henchman (1669–1739).

crime. *The Revolution did not introduce any innovation; it was a restoration of the antient fundamental constitution of the kingdom, and giving it its proper force and energy.*'

\* \* \* \* \*

The Solicitor General, Sir Robert Eyre,<sup>1</sup> distinguishes expressly the case of the Revolution, and its principles, from a proceeding at pleasure, on the part of the people, to change their antient constitution, and to frame a new government for themselves. He distinguishes it with the same care from the principles of regicide, and republicanism, and the sorts of resistance condemned by the doctrines of the church of England, and, which ought to be condemned, by the doctrines of all churches professing Christianity.

MR. SOLICITOR GENERAL, SIR ROBERT EYRE.

'The resistance at the Revolution, which was founded in *unavoidable necessity*, could be no defence to a man that was attacked, *for asserting that the people might cancel their allegiance at pleasure, or, dethrone and murder their sovereign by a judiciary sentence.* For it can never be inferred from the lawfulness of resistance, at a time when *a total subversion of the government both in church and state was intended*, that a people may take up arms, and call their sovereign to account at pleasure; and, therefore, since *the Revolution could be of no service in giving the least colour for asserting any such wicked principle*, the Doctor could never intend to put it into the mouths of those new preachers, and new politicians, for a defence; unless it be his opinion, that the resistance at the Revolution can bear any parallel with the *execrable murder of the royal martyr, so justly detested by the whole nation.*

Revolution no precedent for voluntary cancelling allegiance.

Revolution not like case of Charles the First

It is plain that the Doctor is not impeached for preaching a general doctrine, and enforcing the general duty of obedience, but for preaching against an *excepted case, after he has stated the exception.* He is not impeached for preaching the general doctrine of obedience, and the utter illegality of resistance upon any pretence whatsoever; but because, having first laid down the general doctrine as true, without any exception, *he states the excepted case*, the Revolution, in express terms, as an objection; and then assuming the consideration of that excepted case, denies there was any resistance in the Revolution; and asserts, that to impute resistance to the Revolution, would cast black and odious colours upon it. This is not preaching the doctrine of non-resistance, in the *general* terms used by the

<sup>1</sup> (c.1666–1735).



homilies, and the fathers of the church, where cases of necessity may be *understood to be excepted by a tacit implication, as the counsel have allowed*; but is preaching directly against the resistance at the Revolution, which, in the course of this debate, has been all along admitted to *be necessary and just*, and can have no other meaning than to bring a dishonour upon the Revolution, and an odium upon those great and illustrious persons, *those friends to the monarchy and the church, that assisted in bringing it about*. For had the Doctor intended any thing else, he would have treated the case of the Revolution in a different manner, and have given *it the true and fair answer*; he would have said, that the resistance at the Revolution was *of absolute necessity, and the only means left to revive the constitution, and must therefore be taken as an excepted case*, and could never come within the reach and intention of the general doctrine of the church.

Your lordships take notice on what grounds the Doctor continues to assert the same position in his answer. But is it not most evident; that the general exhortations to be met with in the homilies of the church of England, and such like declarations in the statutes of the kingdom, are meant only as rules for the civil obedience of the subject to the legal administration of the supreme power in *ordinary cases*? And it is equally absurd, to construe any words in a positive law to authorize the destruction of the whole, as to expect that king, lords, and commons should, in express terms of law, declare *such an ultimate resort as the right of resistance, at a time when the case supposes that the force of all law is ceased*.<sup>\*1</sup>

The Commons must always resent, with the utmost detestation and abhorrence, every position that may shake the authority of that act of parliament,<sup>2</sup> whereby the crown is settled upon her majesty, *and whereby the lords spiritual and temporal and commons do, in the name of all the people of England, most humbly and faithfully submit themselves, their heirs and posterities, to her majesty*, which this general principle of absolute non-resistance must certainly shake.

For, if the resistance at the Revolution was illegal, the Revolution settled in usurpation, and this act can have no greater force and authority than an act passed under an usurper.

And the Commons take leave to observe, that the authority of the

\* See Reflections, p. 42, 43.

<sup>1</sup> This paragraph is wrongly included in the Solicitor General's speech. It belongs in the first speech of Nicholas Lechmere, see above, p. 412.

<sup>2</sup> The Bill of Rights (1 Will. and Mary, sess. 2, c. 2).

parliamentary settlement is a matter of the greatest consequence to maintain, in a case where the hereditary right to the crown is contested.

It appears by the several instances mentioned in the act declaring the rights and liberties of the subject, and settling the succession of the crown, that at the time of the Revolution there was *a total subversion of the constitution of government both in church and state, which is a case that the laws of England could never suppose, provide for, or have in view.*<sup>1</sup>

\* \* \* \* \*

Sir Joseph Jekyl, so often quoted, considered the preservation of the monarchy, and of the rights and prerogatives of the crown, as essential objects with all sound Whigs; and that they were bound, not only to maintain them when injured or invaded, but to exert themselves as much for their re-establishment, if they should happen to be over thrown by popular fury, as any of their own more immediate and popular rights and privileges, if the latter should be at any time subverted by the crown. For this reason he puts the cases of the *Revolution* and the *Restoration*, exactly upon the same footing. He plainly marks, that it was the object of all honest men, not to sacrifice one part of the constitution to another; and much more, not to sacrifice any of them to visionary theories of the rights of man; but to preserve our whole inheritance in the constitution, in all its members and all its relations, entire, and unimpaired, from generation to generation. In this Mr. Burke exactly agrees with him.

SIR JOSEPH JEKYL.

‘Nothing is plainer than that the people have a right to the laws and the constitution. This right the nation hath asserted, and recovered out of the hands of those who had dispossessed them of it at several times. There are of this *two famous instances* in the knowledge of the present age; I mean that of the *Restauration*, and that of the *Revolution*; in both of these great events were the *regal power*, and the *rights of the people* recovered. And it is *hard to say in which the people have the greatest interest; for the commons are sensible that there is not one legal power belonging to the crown, but they have an interest in it; and I doubt not but they will always be as careful to support the rights of the crown, as their own privileges.*’

What are the rights of the people

Restoration and Revolution.

People have an equal interest in the legal rights of the crown and of their own.

<sup>1</sup> Burke omitted a long section of Eyre’s exposition of what he took to be Sacheverell’s argument, impugning the legitimacy of the Revolution and therefore of the constitutional arrangements that followed it, including the Act of Settlement of 1701 (12 and 13 Will. III, c. 2).

The other Whig managers regarded (as he did) the overturning, of the monarchy by a republican faction with the very same horror and detestation with which they regarded the destruction of the privileges of the people by an arbitrary monarch.

MR. LECHMERE,

Constitution  
recovered at the  
restoration and  
revolution.

Speaking of our constitution, states it as 'a constitution which happily recovered itself, at the Restoration, from the confusions and disorders which, *the horrid and detestable proceedings of faction and usurpation had thrown it into*, and which, after many convulsions and struggles, was providentially saved at the late happy Revolution; and, by the many good laws passed since that time, stands now upon a firmer foundation: together with the most comfortable prospect of *security to all posterity*, by the settlement of the crown in the Protestant line.'

\* \* \* \* \*

I mean now to shew that the Whigs, (if Sir Joseph Jekyl was one) and if he spoke in conformity to the sense of the Whig house of commons and the Whig ministry who employed him, did carefully guard against any presumption that might arise from the repeal of the non-resistance oath of Charles the second,<sup>1</sup> as if, at the Revolution, the antient principles of our government were at all changed—or that republican doctrines were countenanced,—or any sanction given to seditious proceedings upon general undefined ideas of misconduct—or for changing the form of government—or for resistance upon any other ground than the *necessity* so often mentioned for the purpose of self-preservation. It will shew still more clearly the equal care of the then Whigs, to prevent either the regal power from being swallowed up on pretence of popular rights, or the popular rights from being destroyed on pretence of regal prerogatives.

SIR JOSEPH JEKYL.

Mischief of  
broaching anti  
monarchical  
principles.

'Further, I desire it may be considered, that these legislators [the legislators who framed the non-resistance oath of Charles the Second] were guarding against the consequences of those *pernicious and antimonarchical*

<sup>1</sup> The Act for the oaths of Supremacy and Allegiance that were to be taken after the Revolution (1 Will. and Mary, c. 8) stated that the oath required by an act of Charles II (13 Car. II, sess. 1, c. 61), 'That it is not lawfull upon any pretence whatsoever to take arms against the King', no longer needed to be taken.

*principles, which had been broached a little before in this nation; and those large declarations in favour of non-resistance were made to encounter or obviate the mischief of those principles; as appears by the preamble to the fullest of those acts, which is the militia act, in the 13th and 14th of King Charles the Second.<sup>1</sup> The words of that act are these: And during the late usurped governments, many evil and rebellious principles have been instilled into the minds of the people of this kingdom, which may break forth, unless prevented, to the disturbance of the peace and quiet thereof: Be it therefore enacted, &c. Here your lordships may see the reason that inclined those legislators to express themselves in such a manner against resistance. They had seen the regal rights swallowed up, under the pretence of popular ones; and it is no imputation on them that they did not then foresee a quite different case, as was that of the Revolution; where, under the pretence of regal authority, a total subversion of the rights of the subject was advanced, and in a manner effected. And this may serve to shew, that it was not the design of those legislators to condemn resistance, in a case of absolute necessity, for preserving the constitution, when they were guarding against principles which had so lately destroyed it.*

Two cases of resistance, one to preserve the crown, the other the rights of the subject.

As to the truth of the doctrine in this declaration which was repealed, *I will admit it to be as true as the Doctor's counsel assert it; that is, with an exception of cases of necessity; and it was not repealed because it was false, understanding it with that restriction; but it was repealed because it might be interpreted in an unconfined sense, and exclusive of that restriction; and being so understood, would reflect on the justice of the Revolution: and this the legislature had at heart, and were very jealous of; and by this repeal of that declaration, gave a parliamentary or legislative admonition, against asserting this doctrine of non-resistance in an unlimited sense. — — —*

Non-resistance oath not repeated, because (with the restriction of necessity) it was false, but to prevent false interpretations.

Though the general doctrine of non-resistance, the doctrine of the church of England, as stated in her homilies, or elsewhere delivered, by which the general duty of subjects to the higher powers is taught, be owned to be, as unquestionably it is, *a godly and wholesome doctrine*; though this general doctrine has been constantly inculcated by the reverend fathers of the church, dead and living, and preached by them as a preservative against the popish doctrine of deposing princes, and as the ordinary rule of obedience; and though the same doctrine has been preached, maintained, and avowed by our most orthodox and able divines from the time of the Reformation; and how *innocent a man* Dr. Sacheverel had been, if, *with an*

General doctrine of non-resistance godly and wholesome; not bound to state explicitly the exceptions.

<sup>1</sup> The Militia Act of 1662, 14 Car. II, c. 3.



*honest and well-meant* zeal, he had preached the same doctrine in the same general terms in which he found it delivered by the apostles of Christ, as taught by the homilies, and the reverend fathers of our church, and, in imitation of those great examples, had only pressed the general duty of obedience, and the illegality of resistance, without taking notice of any exception.<sup>1</sup>

\* \* \* \* \*

Another of the managers for the house of commons, Sir John Holland,<sup>2</sup> not less careful in guarding against a confusion of the principles of the revolution, with any loose general doctrines of a right in the individual, or even in the people, to undertake for themselves, on any prevalent temporary opinions of convenience or improvement, any fundamental change in the constitution, or to fabricate a new government for themselves, and thereby to disturb the public peace, and to unsettle the antient constitution of this kingdom.

#### SIR JOHN HOLLAND.

‘The commons would not be understood, as if they were pleading for a licentious resistance; as if *subjects* were left to *their* good-will and pleasure, when they are to *obey*, and when to *resist*. No, my lords, they know they are *obliged by all the ties of social creatures and Christians, for wrath and conscience sake, to submit to their sovereign*. The commons do not abet *humoursome factious arms*: they aver them to be *rebellious*. But yet they maintain, that that resistance at the Revolution, which was so *necessary*, was *lawful and just from that necessity*.

These general rules of obedience may, upon a *real necessity*, admit a lawful *exception*; and such a *necessary exception* we assert the revolution to be.

’Tis with this view of *necessity* only, *absolute necessity* of preserving our laws, liberties, and religion; ’tis with *this limitation* that we desire to be understood, when any of us speak of resistance in general. The *necessity* of the resistance at the Revolution, was at that time obvious to every man.’

\* \* \* \* \*

I shall conclude these extracts with a reference to the prince of Orange’s declaration, in which he gives the nation the fullest assurance

<sup>1</sup> This paragraph comes not from Jekyll’s speech but from Lechmere’s speech on the ninth day.

<sup>2</sup> (c.1669–c.1724), 2nd Baronet.

that in his enterprize he was far from the intention of introducing any change whatever in the fundamental law and constitution of the state. He considered the object of his enterprize, not to be a precedent for further revolutions, but that it was the great end of his expedition to make such revolutions so far as human power and wisdom could provide, unnecessary.

*Extracts from the Prince of Orange's Declaration.<sup>1</sup>*

*'All magistrates, who have been unjustly turned out, shall forthwith resume their former employments, as well as all the boroughs of England shall return again to their antient prescriptions and charters: and more particularly, that the antient charter of the great and famous city of London shall be again in force. And that the writs for the members of parliament shall be addressed to the proper officers, according to law and custom. — — —*

*And for the doing of all other things, which the two houses of parliament shall find necessary for the peace, honour, and safety of the nation, so that there may be no danger of the nation's falling, at any time hereafter, under arbitrary government.'*

*Extract from the Prince of Orange's additional Declaration.<sup>2</sup>*

*'We are confident that no persons can have such hard thoughts of us, as to imagine that we have any other design in this undertaking, than to procure a settlement of the religion, and of the liberties and properties of the subjects, upon so sure a foundation, that there may be no danger of the nation's relapsing into the like miseries at any time hereafter. And, as the forces that we have brought along with us are utterly disproportioned to that wicked design of conquering the nation, if we were capable of intending it; so the great numbers of the principal nobility and gentry, that are men of eminent quality and estates, and persons of known integrity and zeal, both for the religion and government of England, many of them also being distinguished by their constant fidelity to the crown, who do both accompany us in this expedition, and have earnestly solicited us to it, will cover us from all such malicious insinuations.'*

Principal nobility and gentry well affected to the church and crown security against the design of innovation.

<sup>1</sup> Issued by the future William III at The Hague, 10 October 1688, entered in *Commons Journals*, x. 1–6.

<sup>2</sup> Issued on 24 October 1688.

In the spirit, and upon, one occasion in the words, of this declaration,\* the statutes passed in that reign made such provisions for preventing these dangers, that scarcely any thing short of combination of king, lords, and commons for the destruction of the liberties of the nation, can in any probability make us liable to similar perils. In that dreadful, and, I hope, not to be looked for case, any opinion of a right to make revolutions, grounded on this precedent, would be but a poor resource.—Dreadful indeed would be our situation.

These are the doctrines held by *the Whigs of the Revolution*, delivered with as much solemnity, and as authentically at least, as any political dogmas were ever promulgated from the beginning of the world. If there be any difference between their tenets and those of Mr. Burke it is, that the old Whigs oppose themselves still more strongly than he does against the doctrines which are now propagated with so much industry by those who would be thought their successors.

It will be said perhaps, that the old Whigs, in order to guard themselves against popular odium, pretended to assert tenets contrary to those which they secretly held. This, if true, would prove, what Mr. Burke has uniformly asserted, that the extravagant doctrines which he meant to expose, were disagreeable to the body of the people; who, though they perfectly abhor a despotic government, certainly approach more nearly to the love of mitigated monarchy, than to any thing which bears the appearance even of the best republic. But if these old Whigs deceived the people, their conduct was unaccountable indeed. They exposed their power, as every one conversant in history knows, to the greatest peril, for the propagation of opinions which, on this hypothesis, they did not hold. It is a new kind of martyrdom. This supposition does as little credit to their integrity as their wisdom: It makes them at once hypocrites and fools. I think of those great men very differently. I hold them to have been, what the world thought them, men of deep understanding, open sincerity, and clear honour. However, be that matter as it may; what these old Whigs pretended to be, Mr. Burke is. This is enough for him.

I do indeed, admit, that though Mr. Burke has proved that his opinions were those of the old Whig party, solemnly declared by one house, in effect and substance by both houses of parliament, this testimony standing by

\* Declaration of Right.<sup>1</sup>

<sup>1</sup> A declaration of Rights and Liberties presented to William and Mary by both Houses of Parliament on 13 February 1689.

itself will form no proper defence for his opinions, if he and the old Whigs were both of them in the wrong. But it is his present concern, not to vindicate these old Whigs, but to shew his agreement with them.—He appeals to them as judges: he does not vindicate them as culprits. It is current that these old politicians knew little of the rights of men; that they lost their way by groping about in the dark, and fumbling among rotten parchments and musty records.<sup>1</sup> Great lights they say are lately obtained in the world; and Mr. Burke, instead of shrowding himself in exploded ignorance, ought to have taken advantage of the blaze of illumination which has been spread about him. It may be so. The enthusiasts of this time, it seems, like their predecessors in another faction of fanaticism,<sup>2</sup> deal in lights,—Hudibras pleasantly says of them, they

“Have *lights*, where better eyes are blind,  
As pigs are said to see the wind.”<sup>3</sup>

The author of the *Reflections* has *heard* a great deal concerning the modern lights; but he has not yet had the good fortune to *see* much of them. He has read more than he can justify to any thing but the spirit of curiosity, of the works of these illuminators of the world. He has learned nothing from the far greater number of them, than a full certainty of their shallowness, levity, pride, petulance, presumption and ignorance. Where the old authors whom he has read, and the old men whom he has conversed with, have left him in the dark, he is in the dark still. If others, however, have obtained any of this extraordinary light, they will use it to guide them in their researches and their conduct. I have only to wish, that the nation may be as happy and as prosperous under the influence of the new light, as it has been in the sober shade of the old obscurity. As to the rest, it will be difficult for the author of the *Reflections* to conform to the principles of the avowed leaders of the party, until they appear otherwise than negatively. All we can gather from them is this, that their principles are diametrically opposite to his. This is all that we know from authority.<sup>4</sup> Their negative declaration obliges me to have recourse to the books which contain positive doctrines. They are indeed, to those Mr. Burke holds, diametrically opposite; and if it be true, (as the oracles of the party have said, I hope hastily) that their opinions differ so widely, it should seem they are the most likely to form the creed of the modern Whigs.

<sup>1</sup> Paine's phrase. He accused Burke of 'referring to musty records and mouldy parchments to prove that the rights of the living are lost' (*Rights of Man*, in Kuklick, ed., *Paine Political Writings*, p. 67).

<sup>2</sup> Seventeenth-century Puritans.

<sup>3</sup> Samuel Butler, *Hudibras*, III. ii. 1107–8.

<sup>4</sup> Fox on 6 March.



I have stated what were the avowed sentiments of the old Whigs, not in the way of argument, but narratively. It is but fair to set before the reader, in the same simple manner, the sentiments of the modern, to which they spare neither pains nor expence to make proselytes. I choose them from the books upon which most of that industry and expenditure in circulation have been employed.<sup>1</sup> I choose them not from those who speak with a politic obscurity; not from those who only controvert the opinions of the old Whigs, without advancing any of their own, but from those who speak plainly and affirmatively. The Whig reader may make his choice between the two doctrines.

The doctrine then propagated by these societies,<sup>2</sup> which gentlemen think they ought to be very tender in discouraging, as nearly as possible in their own words, is as follows:<sup>3</sup> that in Great Britain we are not only without a good constitution, but that we have “no constitution.” That, “tho’ it is much talked about, no such thing as a constitution exists, or ever did exist; and consequently that *the people have a constitution yet to form*; that since William the Conqueror, the country has never yet *regenerated itself* and is therefore without a constitution. That where it cannot be produced in a visible form, there is none. That a constitution is a thing antecedent to government; and that the constitution of a country is not the act of its government, but of a people constituting a government. That *every thing* in the English government is the reverse of what it ought to be, and what it is said to be in England. That the right of war and peace resides in a metaphor shewn at the Tower,<sup>4</sup> for six pence or a shilling a-piece.— That it signifies not where the right resides, whether in the crown or in

<sup>1</sup> Without mentioning him, Burke focused entirely on Paine’s *Rights of Man*. He does not seem to have read many of the other pamphlets against him, relying, for instance, on his son’s verdict that James Mackintosh was ‘Paine at bottom,—and indeed that all the writers against me are, either Paine with some difference of stating, or even myself’ (*Corr.* vi. 312). Burke had formed an acquaintance with Paine when he came to Britain from America in 1787, giving him some encouragement in his project for building iron bridges. In January 1790 Paine had sent him an enthusiastic account from Paris of events in France, based on the assumption that Burke shared his sympathy for the Revolution (*Corr.* vi. 67–75). By April 1790 he was back in London, resuming contact with Burke, although he was determined to refute the *Reflections*. Burke dismissed Paine as ‘utterly incapable of comprehending his subject. He has not even a moderate portion of learning of any kind. He has learned the instrumental part of literature, a style and a method of disposing his ideas, without having ever made a previous preparation of Study or thinking—for the use of it . . . Payne possesses nothing more than what a man whose audacity makes him careless of logical consequences, and his total want of honour and morality makes indifferent as to political consequences, may very easily write’ (*Corr.* vi. 303–4).

<sup>2</sup> See above, p. 362, n. 1.

<sup>3</sup> What follows are quotations, compilations of separate quotations and paraphrases from the first part of *Rights of Man*.

<sup>4</sup> The state crown was kept in the Tower of London.

parliament. War is the common harvest of those who participate in the division and expenditure of public money. That the portion of liberty enjoyed in England is just enough to enslave a country more productively than by despotism.”<sup>1</sup>

So far as to the general state of the British constitution.—As to our house of lords, the chief virtual representative of our aristocracy, the great ground and pillar of security to the landed interest, and that main link by which it is connected with the law and the crown, these worthy societies are pleased to tell us, that, “whether we view aristocracy before, or behind, or side-ways, or any way else, domestically or publicly, it is still a *monster*. That aristocracy in France had one feature less in its countenance than what it has in some other countries; it did not compose a body of hereditary legislators.”<sup>2</sup> It was not a corporation of aristocracy;” for such it seems that profound legislator Mr. De la Fayette describes the house of peers. “That it is kept up by family tyranny and injustice—that there is an unnatural unfitness in aristocracy to be legislators for a nation—that their ideas of distributive justice are corrupted at the very source; they begin life by trampling on all their younger brothers, and sisters, and relations of every kind, and are taught and educated so to do.—That the idea of an hereditary legislator is as absurd as an hereditary mathematician. That a body holding themselves unaccountable to any body, ought to be trusted by no body—that it is continuing the uncivilized principles of governments founded in conquest and the base idea of man having a property in man, and governing him by a personal right—that aristocracy has a tendency to degenerate the human species,” &c. &c.<sup>3</sup>

As to our law of primogeniture, which with few and inconsiderable exceptions is the standing law of all our landed inheritance, and which without question has a tendency, and I think a most happy tendency, to preserve a character of consequence, weight, and prevalent influence over others in the whole body of the landed interest, they call loudly for its destruction. They do this for political reasons that are very manifest. They have the confidence to say, “that it is a law against every law of nature, and nature herself calls for its destruction. Establish family justice, and aristocracy falls. By the aristocratical law of primogenitureship, in a family

<sup>1</sup> Kuklick, ed., *Paine Political Writings*, pp. 90–4.

<sup>2</sup> The nobility for the States General of 1789 chose 300 of their number to represent the Second Estate. Membership of the Lords Temporal in the British House of Lords was largely on an hereditary basis; only the Scottish representative peers were elected.

<sup>3</sup> Kuklick, ed., *Paine Political Writings*, pp. 99–100.

of six children, five are exposed. Aristocracy has never but *one* child. The rest are begotten to be devoured. They are thrown to the cannibal for prey, and the natural parent prepares the unnatural repast."<sup>1</sup>

As to the house of commons, they treat it far worse than the house of lords or the crown have been ever treated. Perhaps they thought they had a greater right to take this amicable freedom with those of their own family. For many years it has been the perpetual theme of their invectives. "Mockery, insult, usurpation," are amongst the best names they bestow upon it. They damn it in the mass by declaring "that it does not arise out of the inherent rights of the people, as the national assembly does in France, and whose name designates its original."<sup>2</sup>

Of the charters and corporations, to whose rights, a few years ago, these gentlemen were so tremblingly alive,<sup>3</sup> they say, "that when the people of England come to reflect upon them, they will, like France, annihilate those badges of oppression, those traces of a conquered nation."<sup>4</sup>

As to our monarchy, they had formerly been more tender of that branch of the constitution, and for a good reason. The laws had guarded against all seditious attacks upon it, with a greater degree of strictness and severity. The tone of these gentlemen is totally altered since the French Revolution. They now declaim as vehemently against the monarchy, as in former occasions they treacherously flattered and soothed it.

"When we survey the wretched condition of man under the monarchical and hereditary systems of government, dragged from his home by one power, or driven by another, and impoverished by taxes more than by enemies, it becomes evident that those systems are bad, and that a general revolution in the principle and construction of governments is necessary.

What is government more than the management of the affairs of a nation? It is not, and from its nature cannot be, the property of any particular man or family, but of the whole community, at whose expence it is supported; and though by force or contrivance it has been usurped into an inheritance, the usurpation cannot alter the right of things. Sovereignty, as a matter of right, appertains to the nation only, and not to any individual; and a nation has at all times an inherent indefeasible right to abolish any form of government it finds inconvenient, and establish such as accords with its interest, disposition, and happiness. The romantic and barbarous distinction of men into kings and subjects, though it may suit the condition

<sup>1</sup> Ibid. 99.<sup>2</sup> Ibid. 105.<sup>3</sup> In the agitation against Fox's India Bill.<sup>4</sup> Kuklick, ed., *Paine Political Writings*, p. 93.

of courtiers, cannot that of citizens; and is exploded by the principle upon which governments are now founded. Every citizen is a member of the sovereignty, and, as such, can acknowledge no personal subjection; and his obedience can be only to the laws.”<sup>1</sup>

— — — — —  
 Warmly recommending to us the example of France, where they have destroyed monarchy, they say—

“Monarchical sovereignty, the enemy of mankind, and the source of misery, is abolished; and sovereignty itself is restored to its natural and original place, the nation. Were this the case throughout Europe, the cause of wars would be taken away.”

— — — — —  
 “But, after all, what is this metaphor called a crown, or rather what is monarchy? Is it a thing, or is it a name, or is it a fraud? Is it ‘a contrivance of human wisdom,’ or of human craft to obtain money from a nation under specious pretences? Is it a thing necessary to a nation? If it is, in what does that necessity consist, what services does it perform, what is its business, and what are its merits? Doth the virtue consist in the metaphor, or in the man? Doth the goldsmith that makes the crown make the virtue also? Doth it operate like Fortunatus’s wishing-cap,<sup>2</sup> or Harlequin’s wooden sword?<sup>3</sup> Doth it make a man a conjuror? In fine, what is it? It appears to be a something going much out of fashion, falling into ridicule, and rejected in some countries both as unnecessary and expensive. In America it is considered as an absurdity; and in France it has so far declined, that the goodness of the man,<sup>4</sup> and the respect for his personal character, are the only things that preserve the appearance of its existence.”<sup>5</sup>

— — — — —  
 “Mr. Burke talks about what he calls an hereditary crown, as if it were some production of Nature; or as if, like Time, it had a power to operate, not only independently, but in spite of man; or as if it were a thing or a subject universally consented to. Alas! it has none of those properties, but is the reverse of them all. It is a thing in imagination, the propriety of which is more than doubted, and the legality of which in a few years will be denied.”

<sup>1</sup> Ibid. 150.

<sup>2</sup> The cap enabled its wearer to go wherever he wished.

<sup>3</sup> The wooden sword was endowed with magic properties.

<sup>4</sup> Louis XVI.

<sup>5</sup> Kuklick, ed., *Paine Political Writings*, p. 135.



"If I ask the farmer, the manufacturer, the merchant, the tradesman, and down through all the occupations of life to the common labourer, what service monarchy is to him? he can give me no answer. If I ask him what monarchy is, he believes it is something like a sinecure."<sup>1</sup>

— — — — —  
 "The French constitution says. That the right of war and peace is in the nation. Where else should it reside, but in those who are to pay the expense?

In England, this right is said to reside in a *metaphor*, shewn at the Tower for sixpence or a shilling a-piece; So are the lions; and it would be a step nearer to reason to say it resided in them, for any inanimate metaphor is no more than a hat or a cap. We can all see the absurdity of worshipping Aaron's molten calf,<sup>2</sup> or Nebuchadnezzar's golden image;<sup>3</sup> but why do men continue to practise themselves the absurdities they despise in others?"<sup>4</sup>

— — — — —  
 The Revolution and Hanover succession had been objects of the highest veneration to the old Whigs. They thought them not only proofs of the sober and steady spirit of liberty which guided their ancestors; but of their wisdom and provident care of posterity.—The modern Whigs have quite other notions of these events and actions. They do not deny that Mr. Burke has given truly the words of the acts of parliament which secured the succession, and the just sense of them. They attack not him but the law.

"Mr. Burke (say they) has done some service, not to his cause, but to his country, by bringing those clauses into public view. They serve to demonstrate how necessary it is at all times to watch against the attempted encroachment of power, and to prevent its running to excess. It is somewhat extraordinary, that the offence for which James II. was expelled, that of setting up power by *assumption*, should be re-acted, under another shape and form, by the parliament that expelled him. It shews that the rights of man were but imperfectly understood at the Revolution; for, certain it is, that the right which that parliament set up by *assumption* (for by delegation it had it not, and could not have it, because none could give it) over the persons and freedom of posterity for ever, was of the same tyrannical

<sup>1</sup> Ibid. 136.<sup>2</sup> Exod. 32: 4–6.<sup>3</sup> Dan. 3: 1.<sup>4</sup> Kuklick, ed., *Paine Political Writings*, p. 94.

unfounded kind which James attempted to set up over the parliament and the nation, and for which he was expelled. The only difference is, (for in principle they differ not), that the one was an usurper over the living, and the other over the unborn; and as the one has no better authority to stand upon than the other, both of them must be equally null and void, and of no effect."<sup>1</sup>

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"As the estimation of all things is by comparison, the Revolution of 1688, however from circumstances it may have been exalted beyond its value, will find its level. It is already on the wane; eclipsed by the enlarging orb of reason, and the luminous revolutions of America and France. In less than another century, it will go, as well as Mr. Burke's labours, 'to the family vault of all the Capulets.'<sup>2</sup> *Mankind will then scarcely believe that a country calling itself free would send to Holland for a man,<sup>3</sup> and clothe him with power, on purpose to put themselves in fear of him, and give him almost a million sterling a-year for leave to submit themselves and their posterity, like bond-men and bond-women, for ever.*<sup>4</sup>

Mr. Burke having said that the king holds his crown in contempt of the choice of the Revolution society, who individually or collectively have not," (as most certainly they have not) "a vote for a king amongst them, they take occasion from thence to infer, that a king who does not hold his crown by election, despises the people."<sup>5</sup>

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"The King of England," says he, "holds *his* crown (for it does not belong to the nation, according to Mr. Burke) in *contempt* of the choice of the Revolution Society &c."

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"As to who is King in England or elsewhere, or whether there is any King at all, or whether the people chuse a Cherokee Chief, or a Hessian Hussar for a King, it is not a matter that I trouble myself about—be that to themselves; but with respect to the doctrine, so far as it relates to the Rights of Men and Nations, it is as abominable as any thing ever uttered in the most enslaved country under heaven. Whether it sounds worse to my ear,

<sup>1</sup> Ibid. 65.

<sup>2</sup> In the *Reflections* (vol. viii, p. 140) Burke had used this quotation from Shakespeare's *Roméo and Juliet* to describe current neglect of earlier 'Freethinkers'.

<sup>3</sup> William III.

<sup>4</sup> Kuklick ed., *Paine Political Writings*, p. 107.

<sup>5</sup> Ibid. 130.

by not being accustomed to hear such despotism, than what it does to the ear of another person, I am not so well a judge of; but of its, abominable principle I am at no loss to judge."<sup>1</sup>

These societies of modern Whigs push their insolence as far as it can go. In order to prepare the minds of the people for treason and rebellion, they represent the king as tainted with principles of despotism, from the circumstance of his having dominions in Germany.<sup>2</sup> In direct defiance of the most notorious truth, they describe his government there to be a despotism; whereas it is a free constitution, in which the states of the electorate have their part in the government; and this privilege, has never been infringed by the king, or, that I have heard of, by any of his predecessors.<sup>3</sup> The constitution of the electoral dominions has indeed a double control, both from the laws of the empire,<sup>4</sup> and from the privileges of the country. Whatever rights the king enjoys as elector, have been always parentally exercised, and the calumnies of these scandalous societies have not been authorized by a single complaint of oppression.

"When Mr. Burke says that 'his majesty's heirs and successors, each in their time and order, will come to the crown with the *same contempt* of their choice with which his majesty has succeeded to that he wears,' it is saying too much even to the humblest individual in the country; part of whose daily labour goes towards making up the million sterling a year, which the country gives the person it stiles a king. Government with insolence, is despotism; but when contempt is added, it becomes worse; and to pay for contempt, is the excess of slavery. This species of government comes from Germany; and reminds me of what one of the Brunswick soldiers told me, who was taken prisoner by the Americans in the late war: 'Ah!' said he, 'America is a fine free country, it is worth the people's fighting for; I know the difference by knowing my own: in my country, *if the prince says, Eat straw, we eat straw.*' God help that country, thought I, be it England or elsewhere, whose liberties are to be protected by *German principles of government, and princes of Brunswick!*'"<sup>5</sup>

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<sup>1</sup> Ibid. 130.

<sup>2</sup> George III was Elector of Hanover.

<sup>3</sup> The various districts that made up the Electorate of Hanover sent representative to sit in the Estates. Government was, however, effectively in the hands of ministers appointed by and responsible to the Elector.

<sup>4</sup> The Holy Roman Empire.

<sup>5</sup> Kuklick, ed., *Paine Political Writings*, p. 132.

"It is somewhat curious to observe, that although the people of England have been in the habit of talking about kings, it is always a Foreign House of kings; hating Foreigners, yet governed by them. — It is now the House of Brunswick, one of the petty tribes of Germany.<sup>2</sup> — — — —

If Government be what Mr. Burke describes it, 'a contrivance of human wisdom,' I might ask him, if wisdom was at such a low ebb in England, that it was become necessary to import it from Holland and from Hanover? But I will do the country the justice to say, that was not the case; and even if it was, it mistook the cargo. The wisdom of every country, when properly exerted, is sufficient for all its purposes; *and there could exist no more real occasion in England to have sent for a Dutch Stadtholder, or a German Elector, than there was in America to have done a similar thing.* If a country does not understand its own affairs, how is a foreigner to understand them, who knows neither its laws, its manners, nor its language? If there existed a man so transcendantly wise above all others, that his wisdom was necessary to instruct a nation, some reason might be offered for monarchy; but when we cast our eyes about a country, and observe how every part understands its own affairs; and when we look around the world, and see that of all men in it, the race of kings are the most insignificant in capacity, our reason cannot fail to ask us—What are those men kept for?"\*<sup>3</sup>

These are the notions which, under the idea of Whig principles, several persons, and among them persons of no mean mark, have associated themselves to propagate. I will not attempt in the smallest degree to refute them. This will probably be done (if such writings shall be thought to deserve any other than the refutation of criminal justice) by others, who may think with Mr. Burke. He has performed his part.<sup>4</sup>

\* Vindication of the Rights of Man, recommended by the several societies.<sup>1</sup>

<sup>1</sup> This is the title of a pamphlet published in 1790 by Mary Wollstonecraft, but Burke seems to be referring to Paine's *Rights of Man*.

<sup>2</sup> Kuklick, ed., *Paine Political Writings*, p. 131.

<sup>3</sup> *Ibid.*, pp. 135–6.

<sup>4</sup> Paine responded to this paragraph in *Rights of Man, Part II*, published in 1792. He claimed to be 'enough acquainted with Mr. Burke to know' that he would have tried to refute the arguments of the first part 'if he could . . . He started a controversy, he gave the challenge and he has fled from it.' Unable to refute Paine, he was invoking 'criminal justice'. But 'It would be an act of despotism, or what in England is called arbitrary power, to make a law to prohibit investigating the principles, good or bad, on which such a law or any other is founded' (Kuklick, ed., *Paine Political Writings*, pp. 157–9). The *Rights of Man, Part I* escaped prosecution, but *Part II* did not. Paine escaped to France in September 1792 before he was found guilty of seditious libel.



I do not wish to enter very much at large into the discussions which diverge and ramify in all ways from this productive subject. But there is one topic upon which I hope I shall be excused in going a little beyond my design. The factions, now so busy amongst us, in order to divest men of all love for their country, and to remove from their minds all duty with regard to the state, endeavour to propagate an opinion, that the *people*, in forming their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which these gentlemen retreat whenever they are pushed by the battery of laws, and usages, and positive conventions. Indeed it is such and of so great force, that all they have done in defending their outworks is so much time and labour thrown away. Discuss any of their schemes—their answer is—It is the act of the *people*, and that is sufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy; and so backward and forward as often as they like. They are masters of the commonwealth; because in substance they are themselves the commonwealth. The French revolution, say they, was the act of the majority of the people; and if the majority of any other people, the people of England for instance, wish to make the same change, they have the same right.

Just the same undoubtedly. That is, none at all. Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation. The constitution of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract. And the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things. The people are not to be taught to think lightly of their engagements to their governors; else they teach governors to think lightly of their engagements towards them. In that kind of game in the end the people are sure to be losers. To flatter them into a contempt of faith, truth, and justice, is to ruin them; for in these virtues consists their whole safety. To flatter any man, or any part of mankind, in any description, by asserting, that in engagements he or they are free whilst any other human creature is bound, is ultimately to vest the rule of morality in the pleasure of those who ought to be rigidly submitted to it;

to subject the sovereign reason of the world to the caprices of weak and giddy men.

But, as no one of us men can dispense with public or private faith, or with any other tie of moral obligation, so neither can any number of us. The number engaged in crimes, instead of turning them into laudable acts, only augments the quantity and the intensity of the guilt. I am well aware, that men love to hear of their power, but have an extreme disrelish to be told of their duty. This is of course; because every duty is a limitation of some power. Indeed arbitrary power is so much to the depraved taste of the vulgar, of the vulgar of every description, that almost all the dissensions which lacerate the commonwealth, are not concerning the manner in which it is to be exercised but concerning the hands in which it is to be placed. Somewhere they are resolved to have it. Whether they desire it to be vested in the many or the few, depends with most men upon the chance which they imagine they themselves may have of partaking in the exercise of that arbitrary sway, in the one mode or in the other.

It is not necessary to teach men to thirst after power. But it is very expedient that, by moral instruction, they should be taught, and by their civil constitutions they should be compelled, to put many restrictions upon the immoderate exercise of it, and the inordinate desire. The best method of obtaining these two great points forms the important, but at the same time the difficult problem to the true statesman. He thinks of the place in which political power is to be lodged, with no other attention, than as it may render the more or the less practicable, its salutary restraint, and its prudent direction. For this reason no legislator, at any period of the world, has willingly placed the seat of active power in the hands of the multitude: Because there it admits of no control, no regulation; no steady direction whatsoever. The people are the natural control on authority; but to exercise and to control together is contradictory and impossible.

As the exorbitant exercise of power cannot, under popular sway, be effectually restrained, the other great object of political arrangement, the means of abating an excessive desire of it, is in such a state still worse provided for. The democrattick commonwealth is the foodful nurse of ambition. Under the other forms it meets with many restraints. Whenever, in states which have had a democrattick basis, the legislators have endeavoured to put restraints upon ambition, their methods were as violent, as in the end they were ineffectual; as violent indeed as any the most jealous despotism could invent. The ostracism could not very long save itself, and much less the state which it was meant to guard, from the

attempts of ambition, one of the natural inbred incurable distempers of a powerful democracy.

But to return from this short digression, which however is not wholly foreign to the question of the effect of the will of the majority upon the form or the existence of their society. I cannot too often recommend it to the serious consideration of all men, who think civil society to be within the province of moral jurisdiction, that if we owe to it any duty, it is not subject to our will. Duties are nor voluntary. Duty and will are even contradictory terms. Now though civil society might be at first a voluntary act (which in many cases it undoubtedly was) its continuance is under a permanent standing covenant, coexisting with the society; and it attaches upon every individual of that society, without any formal act of his own. This is warranted by the general practice, arising out of the general sense of mankind. Men without their choice derive benefits from that association; without their choice they are subjected to duties in consequence of these benefits; and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole system of duties. Much the strongest moral obligations are such as were never the results of our option. I allow, that if no supreme ruler exists, wise to form, and potent to enforce, the moral law, there is no sanction to any contract, virtual or even actual, against the will of prevalent power. On that hypothesis, let any set of men be strong enough to set their duties at defiance, and they cease to be duties any longer. We have but this one appeal against irresistible power—

*Si genus humanum et mortalia temnitis arma,  
At sperate Deos memores fandi atque nefandi.*<sup>1</sup>

Taking it for granted that I do not write to the disciples of the Parisian philosophy, I may assume, that the awful author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactick, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relations of man to God, which relations are not matter of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of

<sup>1</sup> If you despise the human race and mortal arms, still trust the gods who will remember right and wrong; Virgil, *Aeneid*, i. 542–3.

persons amongst mankind, depends upon those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary—but the duties are all compulsive. When we marry, the choice is voluntary, but the duties are not matter of choice. They are dictated by the nature of the situation. Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Parents may not be consenting to their moral relation; but consenting or not, they are bound to a long train of burthensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation, but their relation, without their actual consent, binds them to its duties; or rather it implies their consent, because the presumed consent of every rational creature is in unison with the predisposed order of things. Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation. If the social ties and ligaments, spun out of those physical relations which are the elements of the commonwealth, in most cases begin, and always continue, independently of our will, so without any stipulation, on our part, are we bound by that relation called our country, which comprehends (as it has been well said) “all the charities of all.”\* Nor are we left without powerful instincts to make this duty as dear and grateful to us, as it is awful and coercive. Our country is not a thing of mere physical locality. It consists, in a great measure, in the ancient order into which we are born. We may have the same geographical situation, but another country; as we may have the same country in another soil. The place that determines our duty to our country is a social, civil relation.

These are the opinions of the author whose cause I defend. I lay them down not to enforce them upon others by disputation, but as an account of his proceedings. On them he acts; and from them he is convinced that neither he, nor any man, or number of men, have a right (except what necessity, which is out of and above all rule, rather imposes than bestows) to free themselves from that primary engagement into which every man born into a community as much contracts by his being born into it, as he contracts an obligation to certain parents by his having been derived from

\* Omnes omnium charitates patria una complexitur. Cic.<sup>1</sup>

<sup>1</sup> One native land embraces all our loves; Cicero, *De Officiis*, i. 57.



their bodies. The place of every man determines his duty. If you ask *Quem te Deus esse jussit?* You will be answered when you resolve this other question, *Humana qua parte locatus es in re*\*?

I admit, indeed, that in morals, as in all things else, difficulties will sometimes occur. Duties will sometimes cross one another. Then questions will arise, which of them is to be placed in subordination; which of them may be entirely superseded? These doubts give rise to that part of moral science called *casuistry*; which though necessary to be well studied by those who would become expert in that learning, who aim at becoming what, I think Cicero somewhere calls, *artifices officiorum*,<sup>2</sup> it requires a very solid and discriminating judgment, great modesty and caution, and much sobriety of mind in the handling; else there is a danger that it may totally subvert those offices which it is its object only to methodize and reconcile. Duties, at their extreme bounds, are drawn very fine, so as to become almost evanescent. In that state, some shade of doubt will always rest on these questions, when they are pursued with great subtilty. But the very habit of stating these extreme cases is not very laudable or safe: because, in general, it is not right to turn our duties into doubts. They are imposed to govern our conduct, not to exercise our ingenuity; and therefore, our opinions about them ought not to be in a state of fluctuation, but steady, sure, and resolved.

Amongst these nice, and therefore dangerous, points of casuistry may be reckoned the question so much agitated in the present hour—Whether, after the people have discharged themselves of their original power by an habitual delegation, no occasion can possibly occur which may justify their resumption of it? This question, in this latitude, is very hard to affirm or deny: but I am satisfied that no occasion can justify such a resumption,

\* A few lines in Persius contain a good summary of all the objects of moral investigation, and hint the result of our enquiry: There human will has no place.

Quid sumus? et quidnam victuri gignimur? ordo  
Quis datus? et metæ quis mollis flexus et unde?  
Quis modus argenti? Quid fas optare? Quid asper  
Utile nummus habet? Patriæ charisque propinquis  
Quantum elargiri debeat?—Quem te Deus esse  
Jussit?—et humana qua parte locatus es in re?<sup>1</sup>

<sup>1</sup> Learn what we are and for what sort of lives we are born; what place was assigned to us at the start; how to round the turning-post gently and from what point to begin the turn; what limit should be placed on wealth; what prayers may rightfully be offered; what good there is in fresh-minted coin; how much should be spent on your country and on your kin; what part God has ordered you to play and at what point of the human Commonwealth you have been stationed; Persius, *Satires*, iii. 67–72.

<sup>2</sup> Artificers of duty. The source of this quotation has not been identified.

which would not equally authorize a dispensation with any other moral duty, perhaps with all of them together. However, if in general it be not easy to determine concerning the lawfulness of such devious proceedings, which must be ever on the edge of crimes, it is far from difficult to foresee the perilous consequences of the resuscitation of such a power in the people. The practical consequences of any political tenet go a great way in deciding upon its value. Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil, is politically false: that which is productive of good, politically is true.

Believing it therefore a question at least arduous in the theory, and in the practice very critical, it would become us to ascertain, as well as we can, what form it is that our incantations are about to call up from darkness and the sleep of ages. When the supreme authority of the people is in question, before we attempt to extend or to confine it, we ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean when we say the PEOPLE.

In a state of *rude* nature there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial; and made like all other legal fictions by common agreement. What the particular nature of that agreement was, is collected from the form into which the particular society has been cast. Any other is not *their* covenant. When men, therefore, break up the original compact or agreement which gives its corporate form and capacity to a state, they are no longer a people; they have no longer a corporate existence; they have no longer a legal coactive force to bind within, nor a claim to be recognized abroad. They are a number of vague loose individuals, and nothing more. With them all is to begin again. Alas! they little know how many a weary step is to be taken before they can form themselves into a mass, which has a true politic personality.

We hear much from men, who have not acquired their hardness of assertion from the profundity of their thinking, about the omnipotence of a *majority*, in such a dissolution of an ancient society as hath taken place in France. But amongst men so disbanded, there can be no such thing as majority or minority; or power in any one person to bind another. The power of acting by a majority, which the gentlemen theorists seem to assume so readily, after they have violated the contract out of which it has arisen, (if at all it existed) must be grounded on two assumptions; first, that of an incorporation produced by unanimity; and secondly, an unanimous

agreement, that the act of a mere majority (say of one) shall pass with them and with others as the act of the whole.

We are so little affected by things which are habitual, that we consider this idea of the decision of a *majority* as if it were a law of our original nature: But such constructive whole, residing in a part only, is one of the most violent fictions of positive law, that ever has been or can be made on the principles of artificial incorporation. Out of civil society nature knows nothing of it; nor are men, even when arranged according to civil order, otherwise than by very long training, brought at all to submit to it. The mind is brought far more easily to acquiesce in the proceedings of one man, or a few, who act under a general procuration for the state, than in the vote of a victorious majority in councils in which every man has his share in the deliberation. For there the beaten party are exasperated and soured by the previous contention, and mortified by the conclusive defeat. This mode of decision, where wills may be so nearly equal, where, according to circumstances, the smaller number may be the stronger force, and where apparent reason may be all upon one side, and on the other little else than impetuous appetite; all this must be the result of a very particular and special convention, confirmed afterwards by long habits of obedience, by a sort of discipline in society, and by a strong hand, vested with stationary permanent power, to enforce this sort of constructive general will. What organ it is that shall declare the corporate mind is so much a matter of positive arrangement, that several states, for the validity of several of their acts, have required a proportion of voices much greater than that of a mere majority. These proportions are so entirely governed by convention, that in some cases the minority decides. The laws in many countries to *condemn* require more than a mere majority; less than an equal number to *acquit*. In our judicial trials we require unanimity either to condemn or to absolve. In some incorporations one man speaks for the whole; in others, a few. Until the other day, in the constitution of Poland, unanimity was required to give validity to any act of their great national council or diet.<sup>1</sup> This approaches much more nearly to rude nature than the institutions of any other country. Such, indeed, every commonwealth must be, without a positive law to recognize in a certain number the will of the entire body.

If men dissolve their antient incorporation, in order to regenerate their community, in that state of things each man has a right, if he pleases, to remain

<sup>1</sup> From the sixteenth century until the promulgation of a new constitution in May 1791, the proceedings in the *Sejm*, or Diet of Poland, required that all decisions be taken unanimously. Any decision could be vetoed by a single dissenting member.

an individual. Any number of individuals, who can agree upon it, have an undoubted right to form themselves into a state apart and wholly independent. If any of these is forced into the fellowship of another, this is conquest and not compact. On every principle, which supposes society to be in virtue of a free covenant, this compulsive incorporation must be null and void.

As a people can have no right to a corporate capacity without universal consent, so neither have they a right to hold exclusively any lands in the name and title of a corporation. On the scheme of the present rulers in our neighbouring country, regenerated as they are, they have no more right to the territory called France than I have. I have a right to pitch my tent in any unoccupied place I can find for it; and I may apply to my own maintenance any part of their unoccupied soil. I may purchase the house or vineyard of any individual proprietor who refuses his consent (and most proprietors have, as far as they dared, refused it) to the new incorporation. I stand in his independent place. Who are these insolent men calling themselves the French nation, that would monopolize this fair domain of nature? Is it because they speak a certain jargon? Is it their mode of chattering, to me unintelligible, that forms their title to my land? Who are they who claim by prescription and descent from certain gangs of banditti called Franks, and Burgundians, and Visigoths, of whom I may have never heard, and ninety-nine out of an hundred of themselves certainly never have heard; whilst at the very time they tell me, that prescription and long possession form no title to property? Who are they that presume to assert that the land which I purchased of the individual, a natural person, and not a fiction of state, belongs to them, who in the very capacity in which they make their claim can exist only as an imaginary being, and in virtue of the very prescription which they reject and disown? This mode of arguing might be pushed into all the detail, so as to leave no sort of doubt, that on their principles, and on the sort of footing on which they have thought proper to place themselves, the crowd of men on the other side of the channel, who have the impudence to call themselves a people, can never be the lawful exclusive possessors of the soil. By what they call reasoning without prejudice, they leave not one stone upon another in the fabric of human society. They subvert all the authority which they hold, as well as all that which they have destroyed.

As in the abstract, it is perfectly clear, that, out of a state of civil society, majority and minority are relations which can have no existence; and that in civil society, its own specific conventions in each incorporation, determine what it is that constitutes the people, so as to make their act the signification of the general will; to come to particulars, it is equally clear, that



neither in France nor in England has the original, or any subsequent compact of the state, expressed or implied, constituted *a majority of men, told by the head*, to be the acting people of their several communities. And I see as little of policy or utility, as there is of right, in laying down a principle that a majority of men told by the head are to be considered as the people, and that as such their will is to be law. What policy can there be found in arrangements made in defiance of every political principle? To enable men to act with the weight and character of a people, and to answer the ends for which they are incorporated into that capacity, we must suppose them (by means immediate or consequential) to be in that state of habitual social discipline, in which the wiser, the more expert, and the more opulent, conduct, and by conducting enlighten and protect the weaker, the less knowing, and the less provided with the goods of fortune. When the multitude are not under this discipline, they can scarcely be said to be in civil society. Give once a certain constitution of things, which produces a variety of conditions and circumstances in a state, and there is in nature and reason a principle which, for their own benefit, postpones, not the interest but the judgment, of those who are *numero plures*, to those who are *virtute et honore majores*.<sup>1</sup> Numbers in a state (supposing, which is not the case in France, that a state does exist) are always of consideration—but they are not the whole consideration. It is in things more serious than a play, that it may be truly said, *satis est equitem mihi plaudere*.<sup>2</sup>

A true natural aristocracy is not a separate interest in the state, or separable from it. It is an essential integrant part of any large people rightly constituted. It is formed out of a class of legitimate presumptions, which, taken as generalities, must be admitted for actual truths. To be bred in a place of estimation; To see nothing low and sordid from one's infancy; To be taught to respect one's self; To be habituated to the censorial inspection of the public eye; To look early to public opinion; To stand upon such elevated ground as to be enabled to take a large view of the wide-spread and infinitely diversified combinations of men and affairs in a large society; To have leisure to read, to reflect, to converse; To be enabled to draw the court and attention of the wise and learned wherever they are to be found;—To be habituated in armies to command and to obey; To be taught to despise danger in the pursuit of honour and duty; To be formed to the greatest degree of vigilance, foresight, and circumspection, in a state of things in

<sup>1</sup> Those who form a numerical plurality yield their judgement to those who are superior by virtue and honour.

<sup>2</sup> It is enough that the better people applaud me; Horace, *Satires*, I. x. 76.

which no fault is committed with impunity, and the slightest mistakes draw on the most ruinous consequences—To be led to a guarded and regulated conduct, from a sense that you are considered as an instructor of your fellow-citizens in their highest concerns, and that you act as a reconciler between God and man—To be employed as an administrator of law and justice, and to be thereby amongst the first benefactors to mankind—To be a professor of high science, or of liberal and ingenuous art—To be amongst rich traders, who from their success are presumed to have sharp and vigorous understandings, and to possess the virtues of diligence, order, constancy, and regularity, and to have cultivated an habitual regard to commutative justice—These are the circumstances of men, that form what I should call a *natural* aristocracy, without which there is no nation.

The state of civil society, which necessarily generates this aristocracy, is a state of nature; and much more truly so than a savage and incoherent mode of life. For man is by nature reasonable; and he is never perfectly in his natural state, but when he is placed where reason may be best cultivated, and most predominates. Art is man's nature. We are as much, at least, in a state of nature in formed manhood, as in immature and helpless infancy. Men qualified in the manner I have just described, form in nature, as she operates in the common modification of society, the leading, guiding, and governing part. It is the soul to the body, without which the man does not exist. To give therefore no more importance, in the social order, to such descriptions of men, than that of so many units, is an horrible usurpation.

When great multitudes act together, under that discipline of nature, I recognize the PEOPLE. I acknowledge something that perhaps equals, and ought always to guide, the sovereignty of convention. In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony; when you break up this beautiful order, this array of truth and nature, as well as of habit and prejudice; when you separate the common sort of men from their proper chieftains so as to form them into an adverse army, I no longer know that venerable object called the people in such a disbanded race of deserters and vagabonds. For a while they may be terrible indeed; but in such a manner as wild beasts are terrible. The mind owes to them no sort of submission. They are, as they have always been reputed, rebels. They may lawfully be fought with, and brought under, whenever an advantage offers. Those who attempt by outrage and violence to deprive men of any advantage which they hold under the laws, and to destroy the natural order of life, proclaim war against them.

We have read in history of that furious insurrection of the common people in France called the *Jacquerie*; for this is not the first time that the people have been enlightened into treason, murder, and rapine. Its object was to extirpate the gentry. The *Capit de Buche*, a famous soldier of those days, dishonoured the name of a gentleman and of a man by taking, for their cruelties, a cruel vengeance on these deluded wretches:<sup>1</sup> It was, however, his right and his duty to make war upon them, and afterwards, in moderation, to bring them to punishment for their rebellion; though in the sense of the French revolution, and of some of our clubs, they were the *people*; and were truly so, if you will call by that appellation *any majority of men told by the head*.

At a time not very remote from the same period (for these humours never have affected one of the nations without some influence on the other) happened several risings of the lower commons in England. These insurgents were certainly the majority of the inhabitants of the counties in which they resided; and Cade, Ket, and Straw, at the head of their national guards, and fomented by certain traitors of high rank, did no more than exert, according to the doctrines of ours and the Parisian societies, the sovereign power inherent in the majority.<sup>2</sup>

We call the time of those events a dark age. Indeed we are too indulgent to our own proficiency. The Abbé John Ball<sup>3</sup> understood the rights of man as well as the Abbé Gregoire.<sup>4</sup> That reverend patriarch of sedition, and prototype of our modern preachers, was of opinion with the national assembly, that all the evils which have fallen upon men had been caused by an ignorance of their “having been born and continued equal as to their rights.”<sup>5</sup> Had the populace been able to repeat that profound maxim all would have gone perfectly well with them. No tyranny, no vexation, no oppression, no care, no sorrow, could have existed in the world. This would

<sup>1</sup> The *Jacquerie* was a French peasant uprising of 1358. Jean de Grailly, Capit de Buch (1330–76), was a French officer fighting on the English side in the Hundred Years War. He was reputed to have suppressed the revolt with great cruelty.

<sup>2</sup> Cade, Ket, and Straw were leaders of popular English uprisings: Jack Cade (d. 1450) led a rebellion against Henry VI in 1450; Robert Kett (1494–1549) headed a rebellion in East Anglia in 1549; the name Jack Straw was given to one of the leaders of the 1381 Peasants' Revolt. Paine was to take issue with Burke about the Peasants' Revolt in *Rights of Man, Part II*, arguing that the demands of the rebels were ‘on a more just and public ground’ than those of the Barons that had led to Magna Carta (Kuklick, ed., *Paine Political Writings*, pp. 224–5).

<sup>3</sup> (1338–81), an English Lollard priest active in the Peasants' Revolt.

<sup>4</sup> Henri Grégoire (1750–1831), a leader of the clergy who sided with the Revolution.

<sup>5</sup> Declaration of the Rights of Man and of the Citizen.

have cured them like a charm for the tooth-ach. But the lowest wretches, in their most ignorant state, were able at all times to talk such stuff; and yet at all times have they suffered many evils and many oppressions, both before and since the republication by the national assembly of this spell of healing potency and virtue. The enlightened Dr. Ball, when he wished to rekindle the lights and fires of his audience on this point, chose for the text the following couplet:

When Adam delved and Eve span,  
Who was then the gentleman?<sup>2</sup>

Of this sapient maxim, however, I do not give him for the inventor. It seems to have been handed down by tradition, and had certainly become proverbial; but whether then composed, or only applied, thus much must be admitted, that in learning, sense, energy, and comprehensiveness, it is fully equal to all the modern dissertations on the equality of mankind; and it has one advantage over them,—that it is in rhyme.\*

\* It is no small loss to the world, that the whole of this enlightened and philosophic sermon, preached to *two hundred thousand* national guards assembled at Blackheath (a number probably equal to the sublime and majestic *Federation* of the 14th of July 1790, in the *Champs de Mars*)<sup>1</sup> is not preserved. A short abstract is, however, to be found in Walsingham. I have added it here for the edification of the modern Whigs, who may possibly except this precious little fragment from their general contempt of antient learning.

Ut suâ doctrinâ plures inficeret ad le Blackheth (ubi ducenta millia hominum communium fuere simul congregata) hujuscemodi sermonem est exorsus.

When Adam dalfé, and Evê span, who was than a gentleman?

Continuansque sermonem inceptum nitebatur per verba proverbii quod pro themate sumpserat, introducere & probare, *ab initio omnes pares creatos à naturâ*, servitutem per injustam oppressionem nequam hominum introductam contra Dei voluntatem, quia si Deo placuisset servos creâsse, utique in principio mundi constituisset, quis servus, quisve dominus futurus tuisset. Considerarent igitur jam tempus à Deo datum eis, in quo (deposito servitutis jugo diutius) possent si vellent, libertate diu concupitâ gaudere. Quapropter monuit ut essent viri cordati, & amore boni patriafamilias excolentis agrum suum & extirpantis ac rescantis noxia gramina quæ fruges solent opprimere, & ipsi in præsentî facere festinarent; primò *maiores regni dominos occidendo*; deindè *juridicos, justiciarios & juratores patrie perimendo*; postremò quoscumque scirent in posterum *communitati nocivos*: tollerent de terrâ suâ: sic demum & *pacem sibiimet parerent & securitatem* in futurum; *si sublati majoribus esset inter eos æqua libertas, eadem nobilitas, par dignitas, famillisque potestas*.

Here is displayed at once the whole of the grand arcanum pretended to be found out by the national assembly, for securing future happiness, peace, and tranquillity. There seems however to be some doubt whether this venerable protomartyr of philosophy was inclined to carry his own declaration of the rights of men more rigidly into practice than the national assembly themselves. He was, like them, only preaching licentiousness to the populace to obtain power for himself, if we may believe what is subjoined by the historian.

<sup>1</sup> Louis XVI attended a vast concourse of National Guards on the first anniversary of the fall of the Bastille. For Burke's sense of outrage for 'this cruel insult', see *Letter to a Member of the National Assembly* (vol. viii, pp. 310–11).

<sup>2</sup> As Burke explains in his long footnote, he drew the text of the sermon attributed to John Ball from the *Historia Anglicana* of Thomas Walsingham (d. 1422). He presumably used the version published by Matthew Parker in 1574.



There is no doubt, but that this great teacher of the rights of man decorated his discourse on this valuable text, with lemmas,<sup>2</sup> theorems, scholia, corollaries, and all the apparatus of science, which was furnished in as great plenty and perfection out of the dogmatic and polemic magazines,

Cumque hæc & *plura alia deliramenta* [think of this old fool's calling all the wise maxims of the French academy *deliramenta*] prædicasset, commune vulgus cum tanto favore prosequitur, ut *acclamarent eum archiepiscopum futuram & regni cancellarium*. Whether he would have taken these situations under these names, or would have changed the whole nomenclature of the state and church, to be understood in the sense of the Revolution, is not so certain. It is probable that he would have changed the names and kept the substance of power.

We find too, that they had in those days their *Society for constitutional information*, of which the reverend John Ball was a conspicuous member, sometimes under his own name, sometimes under the feigned name of John Schep. Besides him it consisted (as Knyghton tells us)<sup>1</sup> of persons who went by the real or fictitious names of Jack Mylner, Tom Baker, Jack Straw, Jack Trewman, Jack Carter, and probably of many more. Some of the choicest flowers of the publications, charitably written and circulated by them gratis, are upon record in Walsingham and Knyghton and I am inclined to prefer the pithy and sententious brevity of these *bulletins* of ancient rebellion, before the loose and confused prolixity of the modern advertisements of constitutional information. They contain more good morality, and less bad politics; they had much more foundation in real oppression; and they have the recommendation of being much better adapted to the capacities of those for whose instruction they were intended. Whatever laudable pains the teachers of the present day appear to take, I cannot compliment them, so far as to allow, that they have succeeded in writing down to the level of their pupils, *the members of the sovereign*, with half the ability of Jack Carter and the reverend John Ball.—That my readers may judge for themselves, I shall give them one or two specimens.

The first is an address from the reverend John Ball under his *nom de guerre* of John Schep. I know not against what particular “guyle in borough” the writer means to caution the people; it may have been only a general cry against “*rotten boroughs*,” which it was thought convenient then as now to make the first pretext, and place at the head of the list of grievances.

JOHN SCHEP.

John Schep sometime Seint Mary Priest of Yorks, and now of Colchester, greeteth well John Namelesse, & John the Miller & John Carter, and *biddeth them that they beware of guyle in borough*, and stand together in God's name; and biddeth Piers Plowman goe to his werke, and chastise well *Hob the robber*, [probably the king] and take with you John Trewman, and all his fellows and no moe.

John the Miller hath yground smal, small, small:

The King's Sonne of Heaven shal pay for all.

Beware or ye be woe,

Know your frende fro your foe.

Have enough and say hoe:

And do wel and better, and flee sinne,

*And seeke peace and holde you therein;*

& so biddeth John Trewman, & all his fellows.

The reader has perceived, from the last lines of this curious state paper, how well the national assembly has copied its union of the profession of universal peace, with the practice of murder and confusion and the blast of the trumpet of sedition in all nations. He will, in the following constitutional paper, observe how well, in their enigmatical style, like the assembly and their abettors, the old philosophers proscribe all hereditary distinction, and bestow it only on virtue and wisdom, according to their estimation of both. Yet these people are supposed never to have heard of “the rights of man!”

<sup>1</sup> The *Chronicon of Henry Knyghton* (d. 1396), written in the later fourteenth century; a version had been published in 1652.

<sup>2</sup> Auxiliary propositions.

the old horse-armory, of the schoolmen, among whom the Rev. Dr. Ball was bred, as they can be supplied from the new arsenal at Hackney.<sup>2</sup> It was, no doubt, disposed with all the adjutancy of definition and division, in which (I speak it with submission) the old marshals were as able as the modern martinets. Neither can we deny, that the philosophic auditory, when they had once obtained this knowledge, could never return to their former ignorance; or after so instructive a lecture be in the same state of mind as if they had never heard it.\* But these poor people, who were not to be envied for their knowledge, but pitied for their delusion, were not reasoned (that was impossible) but beaten out of their lights. With their teacher they were delivered over to the lawyers; who wrote in their blood the statutes of the land, as harshly, and in the same sort of ink, as they and their teachers had written the rights of man.

Our doctors of the day are not so fond of quoting the opinions of this antient sage as they are of imitating his conduct; First, because it might

JACK MYLNER.

Jakke Mylner asketh help to turne his mylne aright.

He hath grounden smal, smal,  
The King's Sone of Heven he shall pay for alle,

Loke thy mylne go a ryyt with the four sayles, and the post stande in steadfastnesse.

With ryyt & with myyt,  
With skill & with wylle,  
Lat myyt help ryyt,  
And skyl go before wille,  
And ryyht before myght,  
Than goth our mylne aryght.  
And if myght go before ryght,  
And wylle before skylle;  
Than is our mylne mys-a-dyght.

JACK CARTER understood perfectly the doctrine of looking to the *end*, with an indifference to the *means*, and the probability of much good arising from great evil.

Jakke Carter prayes yowe alle that ye make a gode *ende* of that ye have begunnen & doth wele and ay bettur & bettur, for at the even men heryth the day. *For if the ende be wele than is alle wele.* Lat Peres the plowman my brother dwelle at home and dyght us corne, & I will go with yowe & helpe, that I may, to dyghte youre mete and youre drynke, that ye none fayle. Lokke that Hobbe robbyoure be wele chastysed for lefyng of your grace; for ye have gret nede to take God with yowe in all your dedes. For now is tyme to be war.

\* See the wise remark on this subject in the Defence of the Rights of Man circulated by the societies.<sup>1</sup>

<sup>1</sup> Burke is probably referring to *Defence of the Rights of Man, being a Discussion of the Conclusions drawn from these Rights by Mr. Paine*, London, 1791. The copy in the British Library has a handwritten endorsement on the title-page. 'The Society [presumably a loyalist one] have liberty to extract and print what they like.'

<sup>2</sup> The Dissenting New College at Hackney, established in 1786 under Unitarian influence. Pages of Priestley's *The Proper Objects of Education in the Present State of the World, Represented in a Discourse, delivered . . . to the Supporters of the New College at Hackney*, London, 1791, with hostile annotation in Burke's hand are in MS. at Northampton, A. xiv. 64.

appear, that they are not as great inventors as they would be thought; and next because, unfortunately for his fame, he was not successful. It is a remark, liable to as few exceptions as any generality can be, that they who applaud prosperous folly, and adore triumphant guilt, have never been known to succour or even to pity human weakness or offence when they become subject to human vicissitude, and meet with punishment instead of obtaining power. Abating for their want of sensibility to the sufferings of their associates, they are not so much in the wrong: for madness and wickedness are things foul and deformed in themselves; and stand in need of all the coverings and trappings of fortune to recommend them to the multitude. Nothing can be more loathsome in their naked nature.

Aberrations like these, whether antient or modern, unsuccessful or prosperous, are things of passage. They furnish no argument for supposing *a multitude told by the head to be the people*. Such a multitude can have no sort of title to alter the seat of power in the society, in which it ever ought to be the obedient, and not the ruling or presiding part. What power may belong to the whole mass, in which mass, the natural *aristocracy*, or what by convention is appointed to represent and strengthen it, acts in its proper place, with its proper weight, and without being subjected to violence, is a deeper question. But in that case, and with that concurrence, I should have much doubt whether any rash or desperate changes in the state, such as we have seen in France, could ever be effected.

I have said that in all political questions the consequences of any assumed rights are of great moment in deciding upon their validity. In this point of view let us a little scrutinize the effects of a right in the mere majority of the inhabitants of any country of superseding and altering their government *at pleasure*.

The sum total of every people is composed of its units. Every individual must have a right to originate what afterwards is to become the act of the majority. Whatever he may lawfully originate, he may lawfully endeavour to accomplish. He has a right therefore in his own particular to break the ties and engagement which bind him to the country in which he lives; and he has a right to make as many converts to his opinions, and to obtain as many associates in his designs, as he can procure: For how can you know the dispositions of the majority to destroy their government, but by tampering with some part of the body? You must begin by a secret conspiracy, that you may end with a national confederation. The mere pleasure of the beginner must be the sole guide; since the mere pleasure of others must be the sole ultimate sanction, as well as the sole actuating principle in every part of the

progress. Thus arbitrary will (the last corruption of ruling power) step by step, poisons the heart of every citizen. If the undertaker fails, he has the misfortune of a rebel, but not the guilt. By such doctrines, all love to our country, all pious veneration and attachment to its laws and customs, are obliterated from our minds; and nothing can result from this opinion, when grown into a principle, and animated by discontent, ambition, or enthusiasm, but a series of conspiracies and seditions, sometimes ruinous to their authors, always noxious to the state. No sense of duty can prevent any man from being a leader or a follower in such enterprises. Nothing restrains the tempter; nothing guards the tempted. Nor is the new state, fabricated by such arts, safer than the old. What can prevent the mere will of any person, who hopes to unite the wills of others to his own, from an attempt wholly to overturn it? It wants nothing but a disposition to trouble the established order, to give a title to the enterprise.

When you combine this principle of the right to change a fixed and tolerable constitution of things at pleasure, with the theory and practice of the French assembly, the political, civil, and moral irregularity are if possible aggravated. The assembly have found another road, and a far more commodious, to the destruction of an old government, and the legitimate formation of a new one, than through the previous will of the majority of what they call the people. Get, say they, the possession of power by any means you can into your hands; and then a subsequent consent (what they call an *address of adhesion*)<sup>1</sup> makes your authority as much the act of the people as if they had conferred upon you originally that kind and degree of power, which, without their permission, you had seized upon. This is to give a direct sanction to fraud, hypocrisy, perjury, and the breach of the most sacred trusts that can exist between man and man. What can sound with such horrid discordance in the moral ear, as this position, That a delegate with limited powers may break his sworn engagements to his constituent, assume an authority, never committed to him, to alter all things at his pleasure; and then, if he can persuade a large number of men to flatter him in the power he has usurped, that he is absolved in his own conscience, and ought to stand acquitted in the eyes of mankind? On this scheme the maker of the experiment must begin with a determined perjury.

<sup>1</sup> There is an analysis of the addresses presented to the National Assembly taken from its *Procès-verbaux* in MS. at Sheffield, Bk. 10. 40. What has been called 'aggressively soliciting letters of adherence for specific decrees' after they had been passed was a tactic used by the leadership in the Assembly for winning apparent consent (T. Tackett, *Becoming a Revolutionary: The Deputies of the French National Assembly and the Emergence of a Revolutionary Culture (1789-90)*, Princeton, 1996, p. 238).



That point is certain. He must take his chance for the expiatory addresses. This is to make the success of villainy the standard of innocence.

Without drawing on, therefore, very shocking consequences, neither by previous consent, nor by subsequent ratification of a *mere reckoned majority*, can any set of men attempt to dissolve the state at their pleasure. To apply this to our present subject. When the several orders, in their several bailliages, had met in the year 1789,<sup>1</sup> such of them, I mean, as had met peaceably and constitutionally, to choose and to instruct their representatives, so organized, and so acting, (because they were organized and were acting according to the conventions which made them a people) they were the *people* of France. They had a legal and a natural capacity to be considered as that people. But observe, whilst they were in this state, that is, whilst they were a people, in no one of their instructions did they charge or even hint at any of those things, which have drawn upon the usurping assembly, and their adherents, the detestation of the rational and thinking part of mankind. I will venture to affirm, without the least apprehension of being contradicted by any person who knows the then state of France, that if any one of the changes were proposed, which form the fundamental parts of their revolution, and compose its most distinguishing acts, it would not have had one vote in twenty thousand in any order. Their instructions purported the direct contrary to all those famous proceedings, which are defended as the acts of the people. Had such proceedings been expected, the great probability is, that the people would then have risen, as to a man, to prevent them. The whole organization of the assembly was altered, the whole frame of the kingdom was changed, before these things could be done. It is long to tell, by what evil arts of the conspirators, and by what extreme weakness and want of steadiness in the lawful government, this equal usurpation on the rights of the prince and people, having first cheated, and then offered violence to both, has been able to triumph, and to employ with success the forged signature of an imprisoned sovereign, and the spurious voice of dictated addresses, to a subsequent ratification of things that had never received any previous sanction, general or particular, expressed or implied, from the nation (in whatever sense that word is taken) or from any part of it.

<sup>1</sup> *Bailliages* were the administrative and judicial local units of pre-revolutionary France. For the election of the representatives of the three orders of the States General, France was divided by a decree of 24 January 1789 into 400 *bailliages*. They drew up *Cahiers de Doléances*, statements of grievances, to be considered by the States General. Burke evidently regarded the *Cahiers* as legitimate instructions which the National Assembly disregarded.

After the weighty and respectable part of the people had been murdered, or driven by the menaces of murder from their houses, or were dispersed in exile into every country in Europe; after the soldiery had been debauched from their officers; after property had lost its weight and consideration, along with its security; after voluntary clubs and associations of factious and unprincipled men were substituted in the place of all the legal corporations of the kingdom arbitrarily dissolved; after freedom had been banished from those popular meetings,\* whose sole recommendation is freedom—After it had come to that pass, that no dissent dared to appear in any of them, but at the certain price of life; after even dissent had been anticipated, and assassination became as quick as suspicion; such pretended ratification by addresses could be no act of what any lover of the people would choose to call by their name. It is that voice which every successful usurpation, as well as this before us, may easily procure, even without making (as these tyrants have made) donatives from the spoil of one part of the citizens to corrupt the other.<sup>1</sup>

The pretended *rights of man*, which have made this havock, cannot be the rights of the people. For to be a people, and to have these rights, are things incompatible. The one supposes the presence, the other the absence of a state of civil society. The very foundation of the French commonwealth is false and self-destructive; nor can its principles be adopted in any country, without the certainty of bringing it to the very same condition in which France is found. Attempts are made to introduce them into every nation in Europe. This nation, as possessing the greatest influence, they wish most to corrupt, as by that means they are assured the contagion must become general. I hope, therefore, I shall be excused, if I endeavour to shew, as shortly as the matter will admit, the danger of giving to them, either avowedly or tacitly, the smallest countenance.

There are times and circumstances, in which not to speak out is at least to connive. Many think it enough for them, that the principles propagated by these clubs and societies, enemies to their country and its constitution, are not owned by the *modern Whigs in parliament*, who are so warm in condemnation of Mr. Burke and his book, and of course of all the principles of the ancient constitutional Whigs of this kingdom. Certainly they are not owned. But are they condemned with the same zeal as Mr. Burke and his

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\* The primary assemblies.

<sup>1</sup> The confiscation of church and *émigré* property.

book are condemned? Are they condemned at all? Are they rejected or discountenanced in any way whatsoever? Is any man who would fairly examine into the demeanour and principles of those societies, and that too very moderately, and in the way rather of admonition than of punishment, is such a man even decently treated? Is he not reproached, as if, in condemning such principles, he had belied the conduct of his whole life, suggesting that his life had been governed by principles similar to those which he now reprobates? The French system is in the mean time, by many active agents out of doors, rapturously praised; The British constitution is coldly tolerated. But these constitutions are different, both in the foundation and in the whole superstructure; and it is plain, that you cannot build up the one but on the ruins of the other. After all, if the French be a superior system of liberty, why should we not adopt it? To what end are our praises? Is excellence held out to us only that we should not copy after it? And what is there in the manners of the people, or in the climate of France, which renders that species of republic fitted for them, and unsuitable to us? A strong and marked difference between the two nations ought to be shewn, before we can admit a constant affected panegyrick, a standing annual commemoration, to be without any tendency to an example.<sup>1</sup>

But the leaders of party will not go the length of the doctrines taught by the seditious clubs. I am sure they do not mean to do so. God forbid! Perhaps even those who are directly carrying on the work of this pernicious foreign faction, do not all of them intend to produce all the mischiefs which must inevitably follow from their having any success in their proceedings. As to leaders in parties, nothing is more common than to see them blindly led. The world is governed by go-betweens. These go-betweens influence the persons with whom they carry on the intercourse, by stating their own sense to each of them as the sense of the other; and thus they reciprocally master both sides. It is first buzzed about the ears of leaders, "that their friends without doors are very eager for some measure, or very warm about some opinion—that you must not be too rigid with them. They are useful persons, and zealous in the cause. They may be a little wrong; but the spirit of liberty must not be damped; and by the influence you obtain from some

<sup>1</sup> The second anniversary of the fall of the Bastille was celebrated at a large dinner called by the Friends of Liberty at the Crown and Anchor tavern in London. Fifteen hundred people were said to have attended. Burke's son, Richard, sent him an account of 'how vapid and lifeless the feast of sedition turn'd out' (*Corr.* vi. 295–6). Among the toasts, as had become customary at such meetings, was one of thanks to Burke for 'the discussion he has provoked'. Fox and Sheridan decided not to attend. There were also celebrations at Dublin, Belfast, Edinburgh, Liverpool, Manchester, Norwich, and Birmingham.

degree of concurrence with them at present, you may be enabled to set them right hereafter.”

Thus the leaders are at first drawn to a connivance with sentiments and proceedings, often totally different from their serious and deliberate notions. But their acquiescence answers every purpose.

With no better than such powers, the go-betweens assume a new representative character. What at best was but an acquiescence, is magnified into an authority, and thence into a desire on the part of the leaders; and it is carried down as such to the subordinate members of parties. By this artifice they in their turn are led into measures which at first, perhaps, few of them wished at all, or at least did not desire vehemently or systematically.

There is in all parties, between the principal leaders in parliament, and the lowest followers out of doors, a middle sort of men; a sort of equestrian order,<sup>1</sup> who, by the spirit of that middle situation, are the fittest for preventing things from running to excess. But indecision, though a vice of a totally different character, is the natural accomplice of violence. The irresolution and timidity of those who compose this middle order, often prevents the effect of their controlling situation. The fear of differing with the authority of leaders on the one hand, and of contradicting the desires of the multitude on the other, induces them to give a careless and passive assent to measures in which they never were consulted; and thus things proceed, by a sort of activity of inertness, until whole bodies, leaders, middle men, and followers, are all hurried, with every appearance, and with many of the effects, of unanimity, into schemes of politics, in the substance of which no two of them were ever fully agreed, and the origin and authors of which, in this circular mode of communication, none of them find it possible to trace. In my experience I have seen much of this in affairs, which, though trifling in comparison to the present, were yet of some importance to parties; and I have known them suffer by it. The sober part give their sanction, at first through inattention and levity; at last they give it through necessity. A violent spirit is raised, which the presiding minds, after a time, find it impracticable to stop at their pleasure, to control, to regulate, or even to direct.

This shews, in my opinion, how very quick and awakened all men ought to be, who are looked up to by the public, and who deserve that confidence,

<sup>1</sup> The lower of the two aristocratic orders in Rome, below the patricians.



to prevent a surprise on their opinions, when dogmas are spread, and projects pursued, by which the foundations of society may be affected. Before they listen even to moderate alterations in the government of their country, they ought to take care that principles are not propagated for that purpose, which are too big for their object. Doctrines limited in their present application, and wide in their general principles, are never meant to be confined to what they at first pretend. If I were to form a prognostic of the effect of the present machinations on the people, from their sense of any grievance they suffer under this constitution, my mind would be at ease. But there is a wide difference between the multitude, when they act against their government from a sense of grievance, or from zeal for some opinions. When men are thoroughly possessed with that zeal, it is difficult to calculate its force. It is certain, that its power is by no means in exact proportion to its reasonableness. It must always have been discoverable by persons of reflection, but it is now obvious to the world, that a theory concerning government may become as much a cause of fanaticism as a *dogma* in religion. There is a boundary to men's passions when they act from feeling; none when they are under the influence of imagination. Remove a grievance, and, when men act from feeling, you go a great way towards quieting a commotion. But the good or bad conduct of a government, the protection men have enjoyed, or the oppression they have suffered under it, are of no sort of moment, when a faction proceeding upon speculative grounds, is thoroughly heated against its form. When a man is, from system, furious against monarchy or episcopacy, the good conduct of the monarch or the bishop has no other effect than further to irritate the adversary. He is provoked at it as furnishing a plea for preserving the thing which he wishes to destroy. His mind will be heated as much by the sight of a sceptre, a mace, or a verge, as if he had been daily bruised and wounded by these symbols of authority. Mere spectacles, mere names, will become sufficient causes to stimulate the people to war and tumult.

Some gentlemen are not terrified by the facility with which government has been overturned in France. The people of France, they say, had nothing to lose in the destruction of a bad constitution; but though not the best possible, we have still a good stake in ours, which will hinder us from desperate risques. Is this any security at all against those who seem to persuade themselves, and who labour to persuade others, that our constitution is an usurpation in its origin, unwise in its contrivance, mischievous in its effects, contrary to the rights of man, and in all its parts a

perfect nuisance? What motive has any rational man, who thinks in that manner, to spill his blood, or even to risque a shilling of his fortune, or to waste a moment of his leisure, to preserve it? If he has any duty relative to it, his duty is to destroy it. A constitution on sufferance is a constitution condemned. Sentence is already passed upon it. The execution is only delayed. On the principles of these gentlemen it neither has, nor ought to have, any security. So far as regards them, it is left naked, without friends, partizans, assertors, or protectors.

Let us examine into the value of this security upon the principles of those who are more sober; of those who think, indeed, the French constitution better, or at least as good, as the British, without going to all the lengths of the warmer politicians in reprobating their own. Their security amounts in reality to nothing more than this;—that the difference between their republican system and the British limited monarchy is not worth a civil war. This opinion, I admit, will prevent people not very enterprising in their nature, from an active undertaking against the British constitution. But it is the poorest defensive principle that ever was infused into the mind of man against the attempts of those who will enterprise. It will tend totally to remove from their minds that very terror of a civil war which is held out as our sole security. They who think so well of the French constitution, certainly will not be the persons to carry on a war to prevent their obtaining a great benefit, or at worst a fair exchange. They will not go to battle in favour of a cause in which their defeat might be more advantageous to the public than their victory. They must at least tacitly abet, those who endeavour to make converts to a sound opinion; they must discountenance those who would oppose its propagation. In proportion as by these means the enterprising party is strengthened, the dread of a struggle is lessened. See what an encouragement this is to the enemies of the constitution! A few assassinations, and a very great destruction of property, we know they consider as no real obstacles in the way of a grand political change. And they will hope, that here, if antimonarchical opinions gain ground, as they have done in France, they may, as in France, accomplish a revolution without a war.

They who think so well of the French constitution cannot be seriously alarmed by any progress made by its partizans. Provisions for security are not to be received from those who think that there is no danger.—No! there is no plan of security to be listened to but from those who entertain the same fears with ourselves; from those who think that the thing to be secured is a great blessing; and the thing against which we would secure it a

great mischief. Every person of a different opinion must be careless about security.

I believe the author of the Reflections, whether he fears the designs of that set of people with reason or not, cannot prevail on himself to despise them. He cannot despise them for their numbers, which, though small, compared with the sound part of the community, are not inconsiderable: he cannot look with contempt on their influence, their activity, or the kind of talents and tempers which they possess, exactly calculated for the work they have in hand, and the minds they chiefly apply to. Do we not see their most considerable and accredited ministers,<sup>1</sup> and several of their party of weight and importance, active in spreading mischievous opinions, in giving sanction to seditious writings, in promoting seditious anniversaries? and what part of their description has disowned them or their proceedings? When men, circumstanced as these are, publicly declare such admiration of a foreign constitution, and such contempt of our own, it would be, in the author of the Reflections, thinking as he does of the French constitution, infamously to cheat the rest of the nation to their ruin, to say there is no danger.

In estimating danger, we are obliged to take into our calculation the character and disposition of the enemy into whose hands we may chance to fall. The genius of this faction is easily discerned by observing with what a very different eye they have viewed the late foreign revolutions. Two have passed before them. That of France and that of Poland.<sup>2</sup> The state of Poland was such, that there could scarcely exist two opinions, but that a reformation of its constitution, even at some expence of blood, might be seen without much disapprobation. No confusion could be feared in such an enterprize; because the establishment to be reformed was itself a state of confusion. A king without authority; nobles without union or subordination; a people without arts, industry, commerce, or liberty; no order within; no defence without; no effective publick force, but a foreign force, which entered a naked country at will, and disposed of every thing at pleasure.<sup>3</sup> Here was a state of things which seemed to invite and might perhaps justify bold enterprize and desperate experiment. But in what

<sup>1</sup> Ministers of Dissenting denominations.

<sup>2</sup> Burke is referring to the enacting of the Polish constitution on 3 May 1791. Two editions of the *New Constitution of the Government of Poland, established by the Revolution, The Third of May, 1791* were published in London in the summer of 1791.

<sup>3</sup> After the first partition of 1772, Russia was able to maintain forces in Poland.

manner was this chaos brought into order? The means were as striking to the imagination, as satisfactory to the reason, and soothing to the moral sentiments. In contemplating that change, humanity has every thing to rejoice and to glory in; nothing to be ashamed of, nothing to suffer. So far as it has gone, it probably is the most pure and defecated public good which ever has been conferred on mankind. We have seen anarchy and servitude at once removed; a throne strengthened for the protection of the people, without trenching on their liberties; all foreign cabal banished, by changing the crown from elective to hereditary: and what was a matter of pleasing wonder, we have seen a reigning king, from an heroic love to his country, exerting himself with all the toil, the dexterity, the management, the intrigue, in favour of a family of strangers, with which ambitious men labour for the aggrandisement of their own.<sup>1</sup> Ten millions of men in a way of being freed gradually, and therefore safely to themselves and the state, not from civil or political chains, which, bad as they are, only fetter the mind, but from substantial personal bondage.<sup>2</sup> Inhabitants of cities, before without privileges, placed in the consideration which belongs to that improved and connecting situation of social life.<sup>3</sup> One of the most proud, numerous, and fierce bodies of nobility and gentry ever known in the world, arranged only in the foremost rank of free and generous citizens.<sup>4</sup> Not one man incurred loss, or suffered degradation. All, from the king to the day-labourer, were improved in their condition. Every thing was kept in its place and order; but in that place and order every thing was bettered. To add to this happy wonder (this unheard-of conjunction of wisdom and fortune) not one drop of blood was spilled; no treachery; no outrage; no system of slander more cruel than the sword; no studied insults on religion, morals, or manners; no spoil; no confiscation; no citizen beggared; none imprisoned; none exiled: the whole was effected with a policy, a discretion, an unanimity and secrecy, such as have never been before known on any occasion; but such wonderful conduct was reserved for this glorious conspiracy in favour of the true and genuine rights and interests of men. Happy people, if they know to proceed as they have begun! Happy prince,

<sup>1</sup> Stanislaw August Poniatowski (1732–98). The monarchy was made hereditary in the House of Saxony.

<sup>2</sup> Reforms of serfdom have been judged to have been token.

<sup>3</sup> Towns were given local self-government and their citizens were enabled to hold land and public office.

<sup>4</sup> The constitution declared all ranks of nobility to be equal. The nobility were proclaimed to be the defenders 'of our liberties and the present constitution' (*New Constitution of Poland*, p. 6).



worthy to begin with splendor, or to close with glory, a race of patriots and of kings: and to leave

A name, which every wind to heav'n would bear,  
Which men to speak, and angels joy to hear.<sup>1</sup>

To finish all—this great good, as in the instant it is, contains in it the seeds of all further improvement; and may be considered as in a regular progress, because founded on similar principles, towards the stable excellence of a British constitution.<sup>2</sup>

Here was a matter for congratulation and for festive remembrance through ages.<sup>3</sup> Here moralists and divines might indeed relax in their temperance to exhilarate their humanity. But mark the character of our faction. All their enthusiasm is kept for the French revolution. They cannot pretend that France had stood so much in need of a change as Poland. They cannot pretend that Poland has not obtained a better system of liberty or of government than it enjoyed before.<sup>4</sup> They cannot assert, that the Polish revolution cost more dearly than that of France to the interests and feelings of multitudes of men. But the cold and subordinate light in which they look upon the one, and the pains they take to preach up the other of these revolutions, leave us no choice in fixing on their motives. Both revolutions profess liberty as their object; but in obtaining this object the one proceeds from anarchy to order: the other from order to anarchy. The first secures its liberty by establishing its throne; the other builds its freedom on the subversion of its monarchy. In the one their means are unstained by crimes, and their settlement favours morality. In the other, vice and confusion are in the very essence of their pursuit and of their enjoyment. The circumstances in which these two events differ, must cause the difference we make in their comparative estimation. These turn the scale with the societies in favour of France. *Ferrum est quod amant*.<sup>5</sup> The frauds, the violences, the sacrileges, the havock and ruin of families,

<sup>1</sup> Abraham Cowley,  *Davideis* , iii. 629–30 (identification by David Bromwich).

<sup>2</sup> The British constitution had been an acknowledged influence on the new Polish one.

<sup>3</sup> Burke's praise for the Polish reforms was drawn to the attention of King Stanislaw, who directed that the Polish ambassador thank him and present him with a medal (*Corr.* vi. 426–8). Burke's public enthusiasm for the 1791 revolution was to be held against him after the suppression of the constitution and a new partition in 1793 by Russia and Prussia, by then Britain's allies in the war against France. Burke would not support calls for action against them but he insisted that he had not abandoned 'his mistress Poland' (*Parl. Reg.*, xxxvii. 245).

<sup>4</sup> There was much enthusiasm among British reformers for the new order in Poland.

<sup>5</sup> Iron is what they love; Juvenal, *Satires*, VI. i. 112.

the dispersion and exile of the pride and flower of a great country, the disorder, the confusion the anarchy, the violation of property, the cruel murders, the inhuman confiscations, and in the end the insolent domination of bloody, ferocious, and senseless clubs—these are the things which they love and admire. What men admire and love, they would surely act. Let us see what is done in France; and then let us undervalue any the slightest danger of falling into the hands of such a merciless and savage faction!

‘But the leaders of the factious societies are too wild to succeed in this their undertaking.’ I hope so. But supposing them wild and absurd, is there no danger but from wise and reflecting men? Perhaps the greatest mischiefs that have happened in the world, have happened from persons as wild as those we think the wildest. In truth, they are the fittest beginners of all great changes. Why encourage men in a mischievous proceeding, because their absurdity may disappoint their malice? ‘But noticing them may give them consequence.’ Certainly. But they are noticed; and they are noticed, not with reproof, but with that kind of countenance which is given by an *apparent* concurrence (not a *real* one, I am convinced) of a great party, in the praises of the object which they held out to imitation.

But I hear a language still more extraordinary, and indeed of such a nature as must suppose, or leave, us at their mercy. It is this—‘You know their promptitude in writing, and their diligence in caballing; to write, speak, or act against them, will only stimulate them to new efforts.’—This way of considering the principle of their conduct pays but a poor compliment to these gentlemen. They pretend that their doctrines are infinitely beneficial to mankind; but it seems they would keep them to themselves, if they were not greatly provoked. They are benevolent from spite. Their oracles are like those of *Proteus* (whom some people think they resemble in many particulars) who never would give his responses unless you used him as ill as possible.<sup>1</sup> These cats, it seems, would not give out their electrical light without having their backs well rubbed. But this is not to do them perfect justice. They are sufficiently communicative. Had they been quiet, the propriety of any agitation of topics on the origin and primary rights of government, in opposition to their private sentiments, might possibly be doubted. But, as it is notorious, that they were proceeding as fast, and as

<sup>1</sup> Proteus was the oracular Old Man of the Sea in Greek legend. He was capable of changing shape and would only give clear answers if captured and coerced.

far, as time and circumstances would admit, both in their discussions and cabals—as it is not to be denied, that they had opened a correspondence with a foreign faction, the most wicked the world ever saw, and established anniversaries<sup>1</sup> to commemorate the most monstrous, cruel, and perfidious of all the proceedings of that faction—the question is, whether their conduct was to be regarded in silence, lest our interference should render them outrageous? Then let them deal as they please with the constitution. Let the lady be passive, lest the ravisher should be driven to force. Resistance will only increase his desires. Yes, truly, if the resistance be feigned and feeble. But they who are wedded to the constitution will not act the part of wittols.<sup>2</sup> They will drive such seducers from the house on the first appearance of their love-letters, and offered assignations. But if the author of the Reflections, though a vigilant, was not a discreet guardian of the constitution, let them who have the same regard to it, shew themselves as vigilant and more skilful in repelling the attacks of seduction or violence. Their freedom from jealousy is equivocal, and may arise as well from indifference to the object, as from confidence in her virtue.

On their principle, it is the resistance, and not the assault, which produces the danger. I admit, indeed, that if we estimated the danger by the value of the writings, it would be little worthy of our attention: contemptible these writings are in every sense. But they are not the cause; they are the disgusting symptom of a frightful distemper. They are not otherwise of consequence than as they shew the evil habit of the bodies from whence they come. In that light the meanest of them is a serious thing. If however I should under-rate them; and if the truth is, that they are not the result, but the cause of the disorders I speak of, surely those who circulate operative poisons, and give, to whatever force they have by their nature, the further operation of their authority and adoption, are to be censured, watched, and, if possible repressed.

At what distance the direct danger from such factions may be, it is not easy to fix. An adaptation of circumstances to designs and principles is necessary. But these cannot be wanting for any long time in the ordinary course of sublunary affairs. Great discontents frequently arise in the best-constituted governments, from causes which no human wisdom can foresee, and no human power can prevent. They occur at uncertain periods, but at periods which are not commonly far asunder. Governments of all

<sup>1</sup> Celebrations on 14 July of the taking of the Bastille.

<sup>2</sup> A man who knows of his wife's infidelity but tolerates it.

kinds are administered only by men; and great mistakes, tending to inflame these discontents, may concur. The indecision of those who happen to rule at the critical time, their supine neglect, or their precipitate and ill-judged attention, may aggravate the public misfortunes. In such a state of things, the principles, now only sown, will shoot out and vegetate in full luxuriance. In such circumstances the minds of the people become sore and ulcerated. They are put out of humour with all public men, and all public parties; they are fatigued with their dissensions; they are irritated at their coalitions; they are made easily to believe, (what much pains are taken to make them believe) that all oppositions are factious, and all courtiers base and servile. From their disgust at men, they are soon led to quarrel with their frame of government, which they presume gives nourishment to the vices, real or supposed, of those who administer in it. Mistaking malignity for sagacity, they are soon led to cast off all hope from a good administration of affairs, and come to think that all reformation depends, not on a change of actors, but upon an alteration in the machinery. Then will be felt the full effect of encouraging doctrines which tend to make the citizens despise their constitution. Then will be felt the plenitude of the mischief of teaching the people to believe, that all antient institutions are the results of ignorance; and that all prescriptive government is in its nature usurpation. Then will be felt, in all its energy, the danger of encouraging a spirit of litigation in persons of that immature and imperfect state of knowledge which serves to render them susceptible of doubts but incapable of their solution. Then will be felt, in all its aggravation; the pernicious consequence of destroying all docility in the minds of those who are not formed for finding their own way in the labyrinths of political theory, and are made to reject the clue, and to disdain the guide. Then will be felt, and too late will be acknowledged, the ruin which follows the disjoining of religion from the state; the separation of morality from policy; and the giving conscience no concern and no coactive or coercive force in the most material of all the social ties, the principle of our obligations to government.

I know too, that besides this vain, contradictory, and self-destructive security, which some men derive from the habitual attachment of the people to this constitution, whilst they suffer it with a sort of sportive acquiescence to be brought into contempt before their faces, they have other grounds for removing all apprehension from their minds, They are of opinion, that there are too many men of great hereditary estates and influence in the kingdom, to suffer the establishment of the levelling system which has taken place in France. This is very true, if in order to guide the



power, which now attends their property, these men possess the wisdom which is involved in early fear. But if through a supine security, to which such fortunes are peculiarly liable, they neglect the use of their influence in the season of their power, on the first derangement of society, the nerves of their strength will be cut, Their estates, instead of being the means of their security, will become the very causes of their danger. Instead of bestowing influence they will excite rapacity. They will be looked to as a prey.

Such will be the impotent condition of those men of great hereditary estates, who indeed dislike the designs that are carried on, but whose dislike is rather that of spectators, than of parties that may be concerned in the catastrophe of the piece. But riches do not in all cases secure even an inert and passive resistance. There are always, in that description, men whose fortunes, when their minds are once vitiated by passion or by evil principle, are by no means a security from their actually taking their part against the public tranquillity. We see to what low and despicable passions of all kinds many men in that class are ready to sacrifice the patrimonial estates, which might be perpetuated in their families with splendor, and with the fame of hereditary benefactors to mankind from generation to generation. Do we not see how lightly people treat their fortunes when under the influence of the passion of gaming? The game of ambition or resentment will be played by many of the rich and great, as desperately, and with as much blindness to the consequences, as any other game. Was he a man of no rank or fortune, who first set on foot the disturbances which have ruined France?<sup>1</sup> Passion blinded him to the consequences, so far as they concerned himself; and as to the consequences with regard to others, they were no part of his consideration; nor ever will be with those who bear any resemblance to that virtuous patriot and lover of the rights of man.

There is also a time of insecurity, when interests of all sorts become objects of speculation. Then it is, that their very attachment to wealth and importance will induce several persons of opulence to list themselves, and even to take a lead with the party which they think most likely to prevail, in order to obtain to themselves consideration in some new order or disorder of things. They may be led to act in this manner, that they may secure some portion of their own property; and perhaps to become partakers of the spoil of their own order. Those who speculate on change, always make a

<sup>1</sup> Burke probably meant Honoré-Gabriel-Victor Riquetti, Comte de Mirabeau (1749–91), whom he called the 'Grand Anarch' (*Corr.* vi. 30).

great number among people of rank and fortune, as well as amongst the low and the indigent.

What security against all this?—All human securities are liable to uncertainty. But if any thing bids fair for the prevention of so great a calamity, it must consist in the use of the ordinary means of just influence in society, whilst those means continue unimpaired. The public judgment ought to receive a proper direction. All weighty men may have their share in so good a work. As yet, notwithstanding the strutting and lying independence of a braggart philosophy, nature maintains her rights, and great names have great prevalence. Two such men as Mr. Pitt and Mr. Fox, adding to their authority in a point in which they concur, even by their disunion in every thing else, might frown these wicked opinions out of the kingdom. But if the influence of either of them, or the influence of men like them, should, against their serious intentions, be otherwise perverted, they may countenance opinions which (as I have said before, and could wish over and over again to press) they may in vain attempt to control. In their theory, these doctrines admit no limit, no qualification whatsoever. No man can say how far he will go, who joins with those who are avowedly going to the utmost extremities. What security is there for stopping short at all in these wild conceits? Why, neither more nor less than this—that the moral sentiments of some few amongst them do put some check on their savage theories. But let us take care. The moral sentiments, so nearly connected with early prejudice as to be almost one and the same thing, will assuredly not live long under a discipline, which has for its basis the destruction of all prejudices, and the making the mind proof against all dread of consequences flowing from the pretended truths that are taught by their philosophy.

In this school the moral sentiments must grow weaker and weaker every day. The more cautious of these teachers, in laying down their maxims, draw as much of the conclusion as suits, not with their premises, but with their policy. They trust the rest to the sagacity of their pupils. Others, and these are the most vaunted for their spirit, not only lay down the same premises, but boldly draw the conclusions to the destruction of our whole constitution in church and state. But are these conclusions truly drawn? Yes, most certainly. Their principles are wild and wicked. But let justice be done even to phrensy and villainy. These teachers are perfectly systematic. No man who assumes their grounds can tolerate the British constitution in church or state. These teachers profess to scorn all mediocrity; to engage for perfection; to proceed by the simplest and shortest course. They build

their politics, not on convenience but on truth; and they profess to conduct men to certain happiness by the assertion of their undoubted rights. With them there is no compromise. All other governments are usurpations, which justify and even demand resistance.

Their principles always go to the extreme. They who go with the principles of the ancient Whigs, which are those contained in Mr. Burke's book, never can go too far. They may indeed stop short of some hazardous and ambiguous excellence, which they will be taught to postpone to any reasonable degree of good they may actually possess. The opinions maintained in that book never can lead to an extreme, because their foundation is laid in an opposition to extremes. The foundation of government is there laid, not in imaginary rights of men, (which at best is a confusion of judicial with civil principles) but in political convenience, and in human nature; either as that nature is universal, or as it is modified by local habits and social aptitudes. The foundation of government, (those who have read that book will recollect) is laid in a provision for our wants,<sup>1</sup> and in a conformity to our duties; it is to purvey for the one; it is to enforce the other. These doctrines do of themselves gravitate to a middle point, or to some point near a middle. They suppose indeed a certain portion of liberty to be essential to all good government; but they infer that this liberty is to be blended into the government; to harmonize with its forms and its rules; and to be made subordinate to its end. Those who are not with that book are with its opposite. For there is no medium besides the medium itself. That medium is not such, because it is found there; but it is found there, because it is conformable to truth and nature. In this we do not follow the author; but we and the author travel together upon the same safe and middle path.

The theory contained in his book is not to furnish principles for making a new constitution, but for illustrating the principles of a constitution already made. It is a theory drawn from the *fact* of our government. They who oppose it are bound to shew, that his theory militates with that fact. Otherwise, their quarrel is not with his book, but with the constitution of their country. The whole scheme of our mixed constitution is to prevent any one of its principles from being carried as far, as taken by itself, and theoretically, it would go. Allow that to be the true policy of the British system, then most of the faults with which that system stands charged will

<sup>1</sup> 'Government is a contrivance of human wisdom to provide for human *wants*' (*Reflections*; vol. viii, p. 110).

appear to be, not imperfections into which it has inadvertently fallen, but excellencies which it has studiously sought. To avoid the perfections of extreme, all its several parts are so constituted, as not alone to answer their own several ends, but also each to limit and control the others: insomuch, that take which of the principles you please—you will find its operation checked and stopped at a certain point. The whole movement stands still rather than that any part should proceed beyond its boundary. From thence it results, that in the British constitution, there is a perpetual treaty and compromise going on, sometimes openly, sometimes with less observation. To him who contemplates the British constitution, as to him who contemplates the subordinate material world, it will always be a matter of his most curious investigation, to discover the secret of this mutual limitation.

—*Finita potestas denique cuique*

*Quanam sit ratione, atque alte terminus hærens?*<sup>1</sup>

They who have acted, as in France they have done, upon a scheme wholly different, and who aim at the abstract and unlimited perfection of power in the popular part, can be of no service to us in any of our political arrangements. They who in their headlong career have overpassed the goal, can furnish no example to those who aim to go no further. The temerity of such speculators is no more an example than the timidity of others. The one sort scorns the right; the other fears it; both miss it. But those who by violence go beyond the barrier, are without question the most mischievous; because to go beyond it they overturn and destroy it. To say they have spirit, is to say nothing in their praise. The untempered spirit of madness, blindness, immorality, and impiety, deserves no commendation. He that sets his house on fire because his fingers are frost-bitten, can never be a fit instructor in the method of providing our habitations with a cheerful and salutary warmth. We want no foreign examples to rekindle in us the flame of liberty. The example of our own ancestors is abundantly sufficient to maintain the spirit of freedom in its full vigour, and to qualify it in all its exertions. The example of a wise, moral, well-natured, and well-tempered spirit of freedom, is that alone which can be useful to us, or in the least degree reputable or safe. Our fabric is so constituted; one part of it bears so much on the other, the parts, are so made for one another, and for nothing else, that to introduce any foreign matter into it, is to destroy it.

<sup>1</sup> How each thing has its own powers defined and its deep-set boundary mark; Lucretius, *The Nature of Things*, i. 76–7.



<sup>1</sup>What has been said of the Roman empire, is at least as true of the British constitution—"Ocingentorum annorum fortuna, disciplinaque, compages hæc coaluit; quæ convelli sine convellentium exitio non potest."<sup>2</sup> This British constitution has not been struck out at an heat by a set of presumptuous men, like the assembly of pettifoggers run mad in Paris.

"Tis not the hasty product of a day,  
But the well-ripen'd fruit of wise delay."<sup>3</sup>

It is the result of the thoughts of many minds, in many ages. It is no simple, no superficial thing, nor to be estimated by superficial understandings. An ignorant man, who is not fool enough to meddle with his clock, is however sufficiently confident to think he can safely take to pieces, and put together at his pleasure, a moral machine of another guise importance and complexity, composed of far other wheels, and springs, and balances, and counteracting and co-operating powers. Men little think how immorally they act in rashly meddling with what they do not understand. Their delusive good intention is no sort of excuse for their presumption. They who truly mean well must be fearful of acting ill. The British constitution may have its advantages pointed out to wise and reflecting minds; but it is of too high an order of excellence to be adapted to those which are common. It takes in too many views, it makes too many combinations, to be so much as comprehended by shallow and superficial understandings. Profound thinkers will know it in its reason and spirit. The less enquiring will recognize it in their feelings and their experience. They will thank God they have a standard, which, in the most essential point of this great concern, will put them on a par with the most wise and knowing.

If we do not take to our aid the foregone studies of men reputed intelligent and learned, we shall be always beginners. But men must learn

<sup>1</sup> The sections that follow were not placed at the end of the book in its first impression, which closed with Burke's discussion of what constituted 'the people' on pp. 454-7. The alteration for the second impression was made at the suggestion of 'a very learned person, to the partiality of whose friendship I owe much' (Todd, p. 173). The person was French Laurence, who wrote: 'I wish you had transposed the passage about Montesquieu's testimony in favour of the British constitution and the political lessons to be drawn from the actual state of France, which you so powerfully paint. It seems to me that they might with little difficulty be connected so as to come at the end, instead of the place where they now stand, and they would in my opinion leave an impression ten fold deep in the mind of the readers. Why should it not be so arranged in the next edition?' (Letter of 8 Aug. 1791, MS. at Sheffield, Bk. 1. 2457).

<sup>2</sup> The good fortune and order of eight hundred years have built up this mighty fabric, which cannot be destroyed without overwhelming the destroyers; Tacitus, *Histories*, iv. 74

<sup>3</sup> John Dryden, 'Astræa Redux', 169-70.

somewhere; and the new teachers mean no more than what they effect, as far as they succeed, that is, to deprive men of the benefit of the collected wisdom of mankind, and to make them blind disciples of their own particular presumption. Talk to these deluded creatures (all the disciples and most of the masters) who are taught to think themselves so newly fitted up and furnished, and you will find nothing in their houses but the refuse of *Knaves Acre*;<sup>1</sup> nothing; but the rotten stuff, worn out in the service of delusion and sedition in all ages, and which being newly furbished up, patched, and varnished, serves well enough for those who being unacquainted with the conflict which has always been maintained between the sense and the nonsense of mankind, know nothing of the former existence and the antient refutation of the same follies. It is near two thousand years since it has been observed, that these devices of ambition, avarice, and turbulence, were antiquated. They are, indeed, the most antient of all common places; common places, sometimes of good and necessary causes; more frequently of the worst, but which decide upon neither.—*Eadem semper causa, libido et avaritia, et mutandarum rerum amor.*—*Ceterum libertas et speciosa nomina pretextuntur; nec quisquam alienum servitium, et dominationem sibi concupivit, ut non eadem ista vocabula usurparet.*<sup>2</sup>

Rational and experienced men, tolerably well know, and have always known, how to distinguish between true and false liberty; and between the genuine adherence and the false pretence to what is true. But none, except those who are profoundly studied, can comprehend the elaborate contrivance of a fabric fitted to unite private and public liberty with public force, with order, with peace, with justice, and, above all, with the institutions formed for bestowing permanence and stability through ages, upon this invaluable whole.

Place, for instance, before your eyes, such a man as Montesquieu. Think of a genius not born in every country, or every time; a man gifted by nature with a penetrating aquiline eye; with a judgment prepared with the most extensive eruditions; with an herculean robustness of mind, and nerves not to be broken with labour; a man who could spend twenty years in one pursuit. Think of a man, like the universal patriarch in Milton

<sup>1</sup> A mean street in the west end of London, said to be 'chiefly inhabited by those who deal in old goods'.

<sup>2</sup> An adaptation of Tacitus, *Histories*, iv. 73: [The Germans] have always the same reasons for crossing into the Gallic provinces—lust, avarice, and their love of changing their circumstances . . . Freedom, however, and specious names are their pretexts; but no man has ever been ambitious to enslave another or to win dominion for himself without using those very same words.'

(who had drawn up before him in his prophetic vision the whole series of the generations which were issue from his loins)<sup>1</sup> a man capable of placing in review, after having brought together, from the east, the west, the north, and the south, from the coarseness of the rudest barbarism to the most refined and subtle civilization, all the schemes of government which had ever prevailed amongst mankind, weighing, measuring, collating and comparing them all, joining fact with theory, and calling into council, upon all this infinite assemblage of things, all the speculations which have fatigued the understandings of profound reasoners in all times!— Let us then consider, that all these were but so many preparatory steps to qualify a man, and such a man, tinctured with no national prejudice, with no domestic affection, to admire, and to hold out to the admiration of mankind the constitution of England!<sup>2</sup> And shall we Englishmen revoke to such a suit? Shall we, when so much more than he has produced, remains still to be understood and admired, instead of keeping ourselves in the schools of real science, choose for our teachers men incapable of being taught, whose only claim to know is, that they have never doubted; from whom we can learn nothing but their own indocility; who would teach us to scorn what in the silence of our hearts we ought to adore?

Different from them are all the great critics. They have taught us one essential rule. I think the excellent and philosophic artist, a true judge, as well as a perfect follower of nature, Sir Joshua Reynolds has somewhere applied it, or something like it, in his own profession. It is this, That if ever we should find ourselves disposed not to admire those writers or artists, Livy and Virgil for instance, Raphael or Michael Angelo, whom all the learned had admired, not to follow our own fancies, but to study them until we know how and what we ought to admire; and if we cannot arrive at this combination of admiration with knowledge, rather to believe that we are dull, than that the rest of the world has been imposed on.<sup>3</sup> It is as good a rule, at least, with regard to this admired constitution. We ought to under-

<sup>1</sup> Adam in *Paradise Lost*, xi. 370 ff.

<sup>2</sup> Charles de Secondat, Baron de La Brède et de Montesquieu (1689–1755), author of *L'Esprit des lois* (1748), a work which Burke describes here as an analysis of 'all the schemes of government which had ever prevailed amongst mankind'. In 1790 Burke had expressed his admiration for Montesquieu in more measured terms: 'He is often obscure; sometimes misled by system; but on the whole, a learned, and ingenious writer, and sometimes a most profound thinker' (*Corr.* vi. 81). Montesquieu greatly admired the English constitution as he interpreted it; his interpretation was very influential in American and European political thought.

<sup>3</sup> This passage from Burke's great friend Reynolds (1723–92) has not been identified. It is characteristic of Reynolds's views as expressed in his *Discourses*.

stand it according to our measure; and to venerate where we are not able presently to comprehend.

Such admirers were our fathers to whom we owe this splendid inheritance. Let us improve it with zeal, but with fear. Let us follow our ancestors, men not without a rational, though without an exclusive confidence in themselves; who, by respecting the reason of others, who, by looking backward as well as forward, by the modesty as well as by the energy of their minds, went on, insensibly drawing this constitution nearer and nearer to its perfection by never departing from its fundamental principles, nor introducing any amendment which had not a subsisting root in the laws, constitution, and usages of the kingdom. Let those, who have the trust of political or of natural authority ever keep watch against the desperate enterprizes of innovation: Let even their benevolence be fortified and armed. They have before their eyes the example of a monarch, insulted, degraded, confined, deposed; his family dispersed, scattered, imprisoned; his wife insulted to his face like the vilest of the sex, by the vilest of all populace; himself three times dragged by these wretches in an infamous triumph;<sup>1</sup> his children torn from him, in violation of the first right of nature, and given into the tuition of the most desperate and impious of the leaders of desperate and impious clubs;<sup>2</sup> his revenues dilapidated and plundered; his magistrates murdered; his clergy proscribed, persecuted, famished; his nobility degraded in their rank, undone in their fortunes, fugitives in their persons; his armies corrupted and ruined; his whole people impoverished, disunited, dissolved; whilst through the bars of his prison, and amidst the bayonets of his keepers, he hears the tumult of two conflicting factions, equally wicked and abandoned, who agree in principles, in dispositions, and in objects, but who tear each

<sup>1</sup> The latest occasion was the forced return from Varennes in June after an abortive attempt to escape from France. Burke had received a vivid, and for him distressing, account of the King's return from a correspondent in Paris (*Corr.* vi. 286–9). The earlier occasions are the events of 5 and 6 October 1789, culminating in the King's being brought from Versailles to Paris, and presumably his attendance at the celebrations at the Champ de Mars on 14 July 1790.

<sup>2</sup> Louis XVI had two surviving children, a boy and a girl. After the flight to Varennes there was much discussion about the appointment of a governor for the boy, the Dauphin (Louis-Charles (1785–95), later (1793), Louis XVII), by the National Assembly, but no appointment was made. The children remained with their parents at the Tuileries and the King eventually appointed a governor. Burke had heard that the National Assembly's governor was to be the *philosophe* Marie-Jean-Antoine-Nicolas de Caritat, Marquis de Condorcet (1743–94), whom he detested as 'a known Enemy and despiser of the Christian religion' (*Corr.* vi. 363–4). Burke took every opportunity to vilify Condorcet, notably in *Thoughts on French Affairs* (vol. viii, pp. 369–71, 382). Among other things, he called him 'The most humane of all murderers' (see below, p. 564).



other to pieces about the most effectual means of obtaining their common end; the one contending to preserve for a while his name and his person, the more easily to destroy the royal authority— the other clamouring to cut off the name, the person, and the monarchy together, by one sacrilegious execution.<sup>1</sup> All this accumulation of calamity, the greatest that ever fell upon one man, has fallen upon his head, because he had left his virtues unguarded by caution; because he was not taught that where power is concerned, he who will confer benefits must take security against ingratitude.

I have stated the calamities which have fallen upon a great prince and nation, because they were not alarmed at the approach of danger, and because, what commonly happens to men surprised, they lost all resource when they were caught in it. When I speak of danger, I certainly mean to address myself to those who consider the prevalence of the new Whig doctrines as an evil.

The Whigs of this day have before them, in this Appeal, their constitutional ancestors: They have the doctors of the modern school. They will choose for themselves. The author of the *Reflections* has chosen for himself. If a new order is coming on, and all the political opinions must pass away as dreams, which our ancestors have worshipped as revelations, I say for him, that he would rather be the last (as certainly he is the least) of that race of men, than the first and greatest of those who have coined to themselves Whig principles from a French die, unknown to the impress of our fathers in the constitution.

'The manner of handling the subject', Burke wrote of the *Appeal*, 'is equal to my powers but far below my Wishes.'<sup>2</sup> He felt, however, that it had been 'very well received by the publick'.<sup>3</sup> It certainly was regarded as an important work, although it attracted much less attention than the *Reflections* had done and sold much less well. Extracts from it were published in many newspapers, generally with little comment. Those who wrote to Burke were, as might be expected, complimentary. Detailed comments were offered by his disciple French Laurence. He suggested an alteration of the ordering of the material towards the end, which Burke adopted for the next impression.<sup>4</sup> Otherwise, Laurence would have wished for some toning down in the earlier part of the book of 'the detailed exposition of your motives for your Parliamentary conduct, and the articulate exculpation of yourself from all charges directly brought, insinuated publicly or privately whispered against you'. He considered, nevertheless, that Burke had 'executed with your usual excellence what you thought proper to undertake'. His comments on Burke's language in the *Appeal* were

<sup>1</sup> The Feuillants, committed to the constitutional monarchy, were being strongly opposed, but overt republicanism was still slow to develop.

<sup>2</sup> *Corr.* vi. 309.

<sup>3</sup> *Ibid.* vi. 341.

<sup>4</sup> See above, p. 472, n. 1.

echoed by others. Implying a comparison with the *Reflections*, Laurence found Burke's style 'rather more chastened . . . ; it is a shade or so less rhetorically brilliant in the general effect of the colouring'.<sup>1</sup> Sir Abraham Hume<sup>2</sup> commented on 'the dispassionate and undress language' of the *Appeal*.<sup>3</sup> Horace Walpole<sup>4</sup> was respectful of the book, describing it as 'well and carefully written', but he thought that it was lacking in the 'wit, similes, metaphors and allusions and eccentricities' of the *Reflections*. Walpole had hoped that in the *Appeal* Burke would have 'flung the reins on the neck of his boundless imagination, as he did' in the *Reflections*.<sup>5</sup> James Prior, Burke's early nineteenth-century biographer, thought the tone of the *Appeal* 'so different from his impassioned style of writing as to present scarcely a feature of resemblance'.<sup>6</sup>

Unlike the *Reflections*, the *Appeal* did not stimulate many authors to write pamphlets, either praising or controverting it. Paine briefly dismissed it in the *Rights of Man Part II*.<sup>7</sup> George Rous,<sup>8</sup> who had written against the *Reflections*, entered the lists again with *A Letter to the Right Honourable Edmund Burke . . . in Reply to his Appeal from the New to the Old Whigs*.<sup>9</sup> The radical Whig William Belsham<sup>10</sup> contributed a critical *Examination of an Appeal from the New to the Old Whigs*.<sup>11</sup>

Within political circles, ministers were generally sympathetic to Burke's sentiments,<sup>12</sup> if still far from being converted to the conclusion to which he was being drawn, that Britain must become part of a European alliance to crush the revolution in France. George III read the *Appeal* 'with great Satisfaction' and told him so, both at a levee and on the terrace at Windsor.<sup>13</sup> What mattered most to Burke was the reactions of the mass of those who supported the parliamentary opposition. Would they respond to what was intended to be a call for them to recognise the danger and publicly take a stand against it? In general, they would not. While the party's leaders might have been willing to accept much of Burke's analysis of the French Revolution, they saw no immediate threat from it and were most unwilling to break with Fox. For them publication of the *Appeal* was an unnecessary provocation, threatening party unity and aiding ministerial designs to weaken them. The Duke of Portland 'had never read any work that ever gave me the pain' that the *Appeal* had done; the effect of 'excellent and admirable matter in it' was destroyed by Burke's insinuations that the opposition as a whole were enemies to the British constitution.<sup>14</sup> Burke was convinced that neither he nor Lord Fitzwilliam, who said that he would convey his approval of what Burke had written by 'private conversation and private insinuation' rather than by public statements,<sup>15</sup> could be 'brought to think that there is any danger of the prevalence of such doctrines in England', nor were they willing 'to condemn a friend whom they love and admire'.<sup>16</sup> Burke concluded that 'the party is incurable'.<sup>17</sup> In the short run at least, the *Appeal* had failed in what was ostensibly its principal purpose.

<sup>1</sup> Letter of 8 Aug. 1791, MS. at Sheffield, Bk. I. 2457.

<sup>2</sup> (1749–1838), 2nd Baronet.

<sup>3</sup> Letter of 14 Sept. 1791, MS. at Sheffield, Bk. I. 2507.

<sup>4</sup> Horace Walpole (1717–97), later (December 1791) 4th Earl of Orford.

<sup>5</sup> *The Yale Edition of the Correspondence of Horace Walpole*, 48 vols., New Haven, 1938–83, xxxiv. 116, 118.

<sup>6</sup> *Memoir of Burke*, p. 393.

<sup>7</sup> See above, p. 439, n. 4.

<sup>8</sup> (1744–1802).

<sup>9</sup> London, 1791.

<sup>10</sup> (1752–1827).

<sup>11</sup> London, 1792.

<sup>12</sup> *Corr.* vi. 360.

<sup>13</sup> *Ibid.* vi. 333, 362–3, 368.

<sup>14</sup> *Ibid.* vi. 369n.

<sup>15</sup> *Ibid.* vi. 402.

<sup>16</sup> *Ibid.* vi. 418.

<sup>17</sup> *Ibid.* vi. 335.

## Speech on Parliamentary Reform 30 April 1792

Source: *Star*, 1 May 1792; *Diary*, 1 and 2 May 1792.

The fullest newspaper account of Burke's main speech was carried by the *Star*, 1 May 1792, which only briefly summarized his other two interventions. The longest versions of them appeared in the *Diary*, 1 and 2 May. *Parl. Reg.*, xxxii. 471–8 and *Parl. Hist.*, xxix. 1317–24 published the *Star* version of the first speech in full together with what appears to be an abbreviated account of the *Diary*'s report of the third one. A substantial report of the debate with some significant amplifications of what Burke said also appeared in the *Gazetteer*, 1 May 1792.

One of the main purposes of Burke's *Appeal from the New to the Old Whigs* had been bring the issues of the French Revolution and the defence of the British constitution from subversion into the open in a way that would, he hoped, make it impossible for many of his former colleagues to continue to acquiesce in Fox's views and to believe that any divergence of opinions on such questions need not disrupt the unity of the party. The *Appeal* seems largely to have failed because the dangers for which Burke was sounding the alarm still did not appear to be acute enough. In the winter of 1791 and the early months of 1792 such dangers could no longer be ignored. It was clear that the new constitution had not stabilized France. Prophecies that the revolution was over with the enacting of the constitution were proving to be very wide of the mark. At the same time, there was mounting evidence that radical reforming associations were spreading throughout Britain, recruiting membership from working men and urging social as well as constitutional change. The second part of Paine's *Rights of Man*, which appeared in February 1792, seemed to be a particularly threatening challenge.

In the event, it was the reformers within the party rather than those who might have been inclined towards Burke's views who brought issues into the open. In April 1792 a group of Whig M.P.s formed an association which they called the Friends of the People, whose primary objective was to press for a reform of Parliament. They hoped for a more equal representation and shorter Parliaments. Their intentions seem to have been to forestall radical pressure for more fundamental change by restoring public confidence in the representative nature of the House of Commons. Their aim was professedly to rescue the constitution from abuses rather than to bring in innovations. In giving notice that proposals for reform would be introduced in the next session, Charles Grey on behalf of the Friends of the People stressed the moderation of their objectives and their tactics. Pitt immediately opposed any canvassing of reform proposals at the present time. It would lead to 'anarchy and confusion'. This view was clearly well received by the House. Fox had not joined the Friends of the People and had tried to discourage its formation. He had hoped that the reform question would not be raised at this time, but he said that he could not deny that there was a need for reform and that the House of Commons was out of touch with public opinion. He would therefore vote for Grey's motion. Burke spoke immediately after him.

Mr. BURKE began a long speech, by saying that there were few subjects, indeed, which would have induced him to come down, and deliver his opinions in that House, but this was certainly one upon which he thought he was in duty bound not to pass over in silence. He was now an old man, and there was still a stronger reason for his not engaging in the discussion

of public questions, that he had received from his best friends the best advice that they could have given to him—it was, to retire.<sup>1</sup> His friends judged right, and he certainly thought himself unfit for business, when he recollected that he had lost such friends, as any man must have been proud to associate with, and with whom he had so long acted with the most fervent and mutual sincerity; that being the case, the advice and the conduct of his friends, as well as twenty-seven years experience in Parliament, was a warning for him to guide his future proceedings in that House, or in other words, a warning to retire—considering himself at the same time as one who had done his duty, and had become old and infirm in the service of his country; yet while he left more active concerns of life to the conduct of more vigorous men in years and understanding, he still would put in his claim as a friend to the country, to use his utmost exertions in its service, whenever an attack was made upon the Constitution, and to defend its real interests against every attempt to overturn it.—As invalids therefore are always put upon garrison duty, and though not the first for foreign service, are those who ought first to move when the garrison is attacked, it became his duty now to come forward; they ought to be foremost in the defence; because if they were worsted, they left behind them those who were possessed of more strength and greater power to defend effectually.—In this view, he looked upon the present notice, which, taking it merely as a notice, he considered to be fraught with mischievous consequences; not that he meant to ascribe any wrong motives, or intentions, to those who brought it forward, because he knew well that there were amongst them many for whom he had the highest respect, and most sincere friendship; but, he must contend, that though their motives might be as pure and patriotic as could be, still, by acting upon an erroneous system, the consequences might be dangerous and wrong. One thing he was happy to see, and to congratulate the House and the country upon, and it was that two very great, and deservedly very great men, in that House, and in the opinion of the country, gave similar opinions, and entertained similar sentiments upon this subject, with this only difference, that the Right Honourable Gentleman opposite to him had stated his belief that no such grievances existed as ought to induce the House to agree to this idea of reform,<sup>2</sup> and the other Right Honourable Gentleman thought that if those

<sup>1</sup> See above, p. 370.

<sup>2</sup> Pitt had said that he did not believe that '*there was any existing grievance in this country that was now felt at this hour*'.



grievances did exist, the friends to a reform had not proposed or held forth any thing like a remedy for them, because he was convinced that a Parliamentary Reform would not be an effectual remedy, if such grievances existed.<sup>1</sup> He did not think that that word Reform ought to carry that weight with it which some Gentlemen seemed to allow. If a Reform was necessary, the way to prove that it ought to be agreed to was first by stating the grievance, and then pointing out the specific remedy. This, however, was not done in the present case. The friends to this plan of reformation seemed to say to the people, as if a physician was to say to a patient, "You labour under a terrible disease, and must take any and every remedy we prescribe for you, whether it is opium, an emetic, a blistering plaister, or all together; you must take them, however discordant in effects, because, depend upon it, you are in such a desperate situation that you must do it." To this he compared the present mode of telling the people you are unhappy, ought to be discontented, and call for a Reform, though we do not even pretend to specify or shew what reform is proper, or such as might be of greatest service to you. He considered giving a vote in that House upon any subject as very different to joining an association for making converts to a cause by holding out to the people the necessity of complaining, when they themselves felt no cause for complaint. The present reformers appeared in the light of quacks, rather than regular Physicians, for they held out preventives, when no disease was dreaded, which they wished to cram down the throats of the people, and make them complain, when they were not sensible of grievances, and when the public voice was completely different to what those Friends to Reformation stated it to be. He would ask if the sense of the people had been consulted, whether this association<sup>2</sup> would have been formed? Were there any petitions from the people stating their grievances? If this was not the case, was it good and constitutional doctrine to hold out to them, that the House of Commons was in itself a grievance, that there must be in its formation something intrinsically corrupt? Let democracy get to its greatest extent in this country, or in that House, still it would be found that there were, and would continue to be, great men in that House upon different sides of any question, that must and ought to have influence.—He regretted being obliged to notice what a

<sup>1</sup> Fox had said that he was aware of 'great and enormous grievances' but 'that he had not joined the Friends of the People because he 'feared that the plan proposed would not be found adequate to the end proposed'. He would, however, continue to 'call the public attention to the need for a reform in the representation of the people in Parliament'.

<sup>2</sup> The Friends of the People.

Right Honourable Friend of his had said, relative to the proceedings in the year 1784, their mischievous tendency he agreed to as well as the Right Honourable Gentleman,<sup>1</sup> but what did arise from the conduct of the different societies and clubs that associated in the year 1780, in many parts of the kingdom? These societies, in associating, were obliged to admit amongst their numbers men of very different principles, and reformers of various denominations, the consequence was, that no system could be thought of that suited the views of all, of course many were dissatisfied, and in the end they dropt every idea of their own reform; this failure, however, he could not ascribe to the Right Honourable Gentleman opposite, who did every thing he could to bring about a reform, and seemed as eager and zealous to effect it, as with all the natural eloquence and energy that he possessed he even supported any measure whatever.<sup>2</sup> At this period the acquiescence of the people was reckoned necessary, as he trusted it ever would, and it was found then, and he believed it would be found now, that the people had no such idea in their heads; they did not then, nor would they now call for a Parliamentary Reform. What next did the Honourable Gentlemen say?—why, that they must make the people feel the grievances they laboured under, if they could not discover them themselves, and excite them to complaints which they knew no cause for, and all this they would do from the following argument: that they know some Reform is necessary, and that by putting it into the hands of such men as are from their rank, fortunes, character and respectability in the country, the most likely to propose a temperate and adequate reform, having much at stake themselves, they will study the more the interests of the people. As to the characters of the men, he would not hesitate a moment to pronounce them entitled to every encomium that could be bestowed on them, but would they pledge their characters and their consequence in this country, that if they once raise a strong spirit of reformation and innovation amongst the people, they have the power, and will undertake, to guide their opinions, and prevent excesses, when the ideas of the people not improbably may carry them to an ungovernable length, upon a subject which they understand but little of. If the Honourable Gentlemen who proposed this could guide and regulate the public opinion as they could their own, it would be different, but that was not possible, and therefore he thought

<sup>1</sup> Fox had objected to Pitt's advising the King to ignore an address from the Commons urging him not to dissolve Parliament in 1784, because 'it did not speak the voice of the people'.

<sup>2</sup> Pitt had brought forward proposals for parliamentary reform in 1782, 1783, and 1785.

there could be no such thing as a temperate Reform.<sup>1</sup> Let them recollect that in the days of Hampden, Hyde, and other reformers of those days, and in different periods of the English history, it was found almost invariably that the beginners of any reformation never saw it ended.<sup>2</sup> This was one strong reason why they should not countenance any indefinite reform, for in fact they never could know its extent and its consequences. He agreed perfectly with his Right Honourable Friend, that this country had been for a very long time in a perpetual state of innovation, and progressive reform, and though Kings had reigned who rather checked than encouraged improvements on the Constitution, yet it was found that improvements had from time to time taken place, and they were uniformly found to be rather in defence of the real constitution than innovations upon it.<sup>3</sup> It was likewise true that we had at different times cut off certain branches of the prerogative, when those branches were found to be inimical to the welfare of the people, but we had always kept the lamp of the constitution burning, and supplied it occasionally with necessary assistance, without ever attempting to alter its former nature; had seen a reformation, a revolution, and, on an abdication of the crown, we had seen a new family seated upon the throne, but we had never, at any one period, touched upon an alteration in the representation of the people till very lately. If we are in slavery, if in anarchy and confusion, if, in short, we labour under any grievance whatever, let us look if it proceeds from the representation of the people in parliament. Is the landed or commercial interest affected; or does any one interest overpower or act against another in this country; or can it be proved that such are the effects of the present representation of the people? he really believed not. The Russian armament had been mentioned, and certainly that was a subject upon which the opinion of the people was very decided, though that opinion differed widely from the opinion of that House.<sup>4</sup> The people were decidedly against the measure, but yet they did not go so far as to say that the measure ought to destroy the Minister; and

<sup>1</sup> Grey had promised 'a timely and temperate reform'.

<sup>2</sup> John Hampden (1594–1643) and Edward Hyde (1609–74), later (1661) 1st Earl of Clarendon, had been parliamentary opponents of Charles I. Hampden, a Whig icon, had been killed in action against the royal army in 1643. According to the *Gazetteer*, 1 May 1792, Burke had said that Hampden 'would never have been impelled to an exterminatory war against the whole constitution'. Hyde became a royalist and after the restoration of Charles II he became Lord Chancellor.

<sup>3</sup> Fox had said that 'the great beauty' of the British constitution was that 'in its very principle it admitted of perpetual improvement'.

<sup>4</sup> Fox had argued that the Russian crisis had shown that the Commons did not adequately represent public opinion, since the House had been willing to support a government to the point of war, whereas the public was not.

this, he contended, was generally the case with the people of England, whoever was Minister at the time. It had been so with Sir Robert Walpole, and would be so with every future Minister. He came next to what had been said on Paine's Book, which he thought had been very properly termed by the Right Honourable Gentleman a libel of the most infamous kind against the Constitution of this country.<sup>1</sup> He would ask those who supported those visionary schemes of Reform, what it was they had to dread—could they point out any person in that House who was the avowed friend to despotism, or could they suggest any thing like a conspiracy against the privileges of the people?—he believed it was impossible; but he thought there was no difficulty in saying there were those in the country who were avowed enemies to the Constitution. (*A cry of, name him, name him*). He begged Gentlemen not to distress themselves by such a call of those who desired he might name them; he would ask whether he had called upon them in a similar way, when they made allusions much stronger than he had done; however, he would satisfy their curiosity on this point, by stating what the declared opinions of that night warranted him to do, which was, that Paine's pamphlet was an infamous libel upon the Constitution, and therefore that those clubs and societies who recommended that book to be read by the people, were the avowed enemies of the Constitution, by prescribing to the people, what was admitted by the first men in that House, a libel on the Constitution, tending by its contents to subvert and overturn it. Mr. Paine had been called a stranger, a foreigner, not an Englishman, a Frenchman, nor American.<sup>2</sup> In short, he seemed to be a man who knew just enough of all countries to confuse and distract all, without being of the least use to any.<sup>3</sup>—There were in this country men who scrupled not to enter into an alliance with a set in France of the worst traitors and regicides that had ever been heard of, the Club of the Jacobins. Agents had been sent from this country, to enter into a fœderation with that iniquitous club, and those were men of some consideration in this country;

<sup>1</sup> Fox had called Paine's *Rights of Man* a 'libel' on the constitution. But he said later that he objected to applying words like 'infamous and seditious' to the book, as Burke had done. At the end of the debate Fox said he had only read one of Paine's books, the first part. He disliked it and thought that he would not like the second part either, but he felt that they might have done some good by 'leading men to consider of the constitution'. In the same way Burke's *Reflections*, which 'he disliked as much as either of them, had he believed done some good, because in his opinion, whatever led to a discussion of the subject was of service'.

<sup>2</sup> Fox had said that he did not 'suppose that we were so far reduced as to be in great danger from the abuse of a Foreigner', on the assumption that Paine was an American; he was in fact English.

<sup>3</sup> According to the *Gazetteer*, 1 May 1792, Burke called Paine 'an odd amphibious animal; neither American, nor Englishman, nor Irishman, nor Frenchman, but certainly made an Englishman by denizenation'.



the names he alluded to were Thomas Cooper and James Watt. (Here Mr. Burke read the address presented to the Club of the Jacobins by those men on the 16th April.)<sup>1</sup> He said, this was nothing of fancy or invention, but an avowal, that there were Clubs in this country who bound themselves by a fœderation with those regicides, to approve their conduct, and act in concert with them; upon this he dwelt for a considerable time with much severity. He likewise could name others who avowed similar principles; for instance, Mr. Walker of Manchester;<sup>2</sup> and what did those people do, did they only give their own sentiments? No; by the answer of the Jacobins club, it appeared that those worthies of Manchester undertook, from what authority he knew not, to represent all England; they spoke, and were sworn into this federation, in the name of the people of England.<sup>3</sup> This lead him to state, that, however upright the motives of the Honourable Gentlemen near him might be, they must necessarily, in order to succeed in their object, unite themselves with some of the worst men in the kingdom. He ridiculed the idea of a moderate or temperate reform as impossible, nor could he look upon the present schemes as if there were two parties, one for a temperate Reform, and the other for a subversion of the Constitution. And he would ask those Honourable Gentlemen if they could answer for all who might join them on this occasion, and were sure that they would be satisfied with moderate measures? He then observed that France was not in a situation for reform, but was distracted by a violent party. He described the National Assembly as consisting of 700 members, 400 of whom were lawyers, 300 of no description that he could name; and out of the whole he believed there were not six of them that possessed in any one way 100*l.* per

<sup>1</sup> 'He here read a passage to the following purport: "It will afford you pleasure to know, that every where in England, there are great numbers, who interest themselves in your cause, not as the cause of Frenchmen, but of all mankind. We in the respectable name of friends to mankind, solicit an amicable correspondence with you for the constitutional society of Manchester"' (*Gazetteer*, 1 May 1792). Cooper (see above, p. 314, n. 1) and Watt (1769–1848), son of the great engineer, had presented the address, from which Burke read extracts, to the Jacobin Society on 13 April. He presumably derived these from the copy of the proceedings in the *Patriote français* (F. A. Aulard, ed., *La Société des Jacobins: recueil des documents*, 6 vols., Paris, 1889–97, iii. 499–502). Cooper published a furious rejoinder in which he denied that the Manchester delegation sought any kind of federation with French societies or claimed to speak for more than themselves (*A Reply to Mr. Burke's Invectives against Mr. Cooper and Mr. Watt in the House of Commons on 30 April 1792*, London, 1792).

<sup>2</sup> Thomas Walker (1749–1817) was a wealthy Manchester merchant, prominent in the town's civic life. He was the president of the Manchester Constitutional Society.

<sup>3</sup> The reply made by Jean-Louis Carra (1742–93), Vice-President of the Friends of the Constitution or Jacobin Club, spoke of how 'the English and French, reunited for ever by the ties of justice, humanity, and the most brotherly affection will combat in unison for the maintenance of their common liberty' and to perfect their respective governments (Cooper, *Reply to Mr Burke*, p. 87). Cooper insisted that such words would not bear the construction Burke put on them.

ann.<sup>1</sup> Having treated the National Assembly and their conduct with great contempt, he asked if this was a time for encouraging visionary reforms in this country? He said, though he had generally disagreed to the reforms formerly proposed, it was because the mode did not meet approbation; and he never had resisted reform when he thought it was likely to be useful; for instance, the Reform moved by the Right Honourable Gentleman seemed to him, if it had been agreed to, productive of good effects, without risk of any harm;<sup>2</sup> but in the year 1780 the Associates in different parts of the country would have defeated any temperate reform. The Noble Duke who was then a reformer had proposed one mode,<sup>3</sup> and the Right Honourable Gentleman another, and he stated what the difference between them was. He adverted to the Country Meetings, which he thought not the most probable or quiet way of obtaining the sense of the people, or even knowing the true sense of these meetings.—He made some remarks on confidence in Ministers, which had been too much enlarged both in 1784 and 1792,<sup>4</sup> towards the Right Honourable Gentleman, as had been stated by his Honourable Friend.<sup>5</sup> He then declared his fixed admiration of that Constitution, which gave us freedom without losing order; and which, by encreasing its order, increased its liberty; and which, he hoped, and trusted, he ever would see a continuance of, unmolested and secure against every attack. Theories ought to be formed in experience, and instead of adapting the Constitution to a theory, the theories he wished to see grow out of the Constitution. He concluded, by putting it to the House to say, whether they knew of any existing grievance that warranted the

<sup>1</sup> Burke is speaking of the Legislative Assembly under the new constitution, which came into being on 1 October 1791. There is a MS. analysis of its membership in Burke's hand (MS. at Sheffield, Bk. 10. 23–4) from which his remarks seem to have been drawn: 'about 400 persons belonging to the Lower departments of the Law. Between 50 and sixty Peasants of the lowest and most ignorant kind—and between 60 of profligate monks and priests of scandalous lives; among whom are about fifteen of constitutional Bishops—not one of who is of a respectable moral Character; and some of the most infamous . . . Officers chiefly Engineers and artillery and others in a military capacity—about 120—of them about thirty or forty Gentlemen born—and most of them some property. The rest young persons of no property or profession nor any thing but their desperate activity in the revolution—two are marked with the Gally marks, one condemned for life, the other for five and twenty years—few without some < > from Justice.' For a similar analysis, see *Corr.* vii. 61.

<sup>2</sup> If reported accurately, this is a puzzling statement. Burke had dismissed Pitt's 1785 proposals for the voluntary liquidation of some small boroughs and the redistribution of their seats to the counties as 'only an illusion, from which no solid benefit would ever result' (see above, p. 233).

<sup>3</sup> The Duke of Richmond had proposed universal adult male franchise and the equal constituencies.

<sup>4</sup> '1792' is probably an error.

<sup>5</sup> The opposition had been complaining for some time that ministers were adopting a high-handed attitude to criticism in the House of Commons. Fox had said that 'the doctrine was, that the agent of the executive government for the time being, is entitled to confidence; and if he afterwards commits what the people call a blunder, no inquiry should be had into his conduct'.

risk, that must inevitably attend the proposed motion for a Parliamentary Reform.

Fox immediately replied to two points on which he thought Burke had misunderstood him.<sup>1</sup> 'He certainly had said that Mr. Paine's book was subversive to the constitution and was a libel upon it, for it certainly was so, but he had not said that the author was criminal, because he did not know that it was criminal for any man to propose an alteration to the constitution.' On parliamentary reform, he had not denied that it would be a 'remedy', but he had seen no proposal that would be 'an adequate remedy to the abuses which he had complained of as real grievances'.

Mr. *Burke* shortly explained, and in the course of what he said, declared with regard to confidence,<sup>2</sup> he had no connection either with Ministers or with those out of office, but he well remembered, the first great question about confidence was used by the Right Honourable Gentleman in 1774,<sup>3</sup> and he thought it a very strong point at the time.

Later in the debate, Sheridan took up some points in Burke's speech.<sup>4</sup>

Mr. *Burke* rose to explain; he said, he had been called on by a strong voice to explain a correspondence he had used during the American War.<sup>5</sup> It was true he said, he had held a correspondence with Dr. Franklin, for the release of General Burgoyne who was a worthy man, and a brave and gallant officer, and appeared to be deserted by the Government at home, and oppressed by the Congress.<sup>6</sup> That correspondence Mr. Burke said, he had by him to this day and he did not think it a disgrace to him; he declared himself willing to put it into the hands of an Honourable Gentleman near him, (Colonel Tarleton), equally a friend to the Honourable Gentleman and himself.<sup>7</sup> Mr. Burke read a quotation from Mr. Cooper's correspondence with the Jacobin Club, and, after commenting upon it, said something in reply to Mr. Sheridan's allusion to the Ox and Grasshopper,<sup>8</sup> declaring that the proposed Reform would at once ruin

<sup>1</sup> Report in *Diary*, 1 May 1792.

<sup>2</sup> Fox's argument seems to have been that in the Russian crisis, ministers had asked for the confidence of the House rather than submitting their policy to it for their approval. 'From the time the word confidence had been introduced, the House had been relinquishing their privileges year after year, day after day.'

<sup>3</sup> The allusion is obscure.

<sup>4</sup> Report in *Diary*, 2 May 1792.

<sup>5</sup> Sheridan had suggested that Cooper could respond to Burke's criticism of his correspondence with the French Society of Friends of the Constitution in the same terms as Burke had used to 'some charges of having corresponded with the Americans' during the war.

<sup>6</sup> See above, pp. 126-7.

<sup>7</sup> Banastre Tarleton (1754-1833), later (1815) 1st Baronet.

<sup>8</sup> Sheridan 'made a comparison between a British ox and a grasshopper, likening Mr. Burke to the former and Mr. Grey to the latter'.

the Aristocracy and the House of Commons like the Adders and Snakes and Dragons in the Island of Ceylon, which would swallow up and destroy, oxen and all that came in their way.<sup>1</sup>

Mr. Sheridan rose to explain and Mr. Burke replied.

With no question before the House, a lengthy debate eventually fizzled out between two and three o'clock in the morning. From Burke's point of view it had established that his isolation among his former colleagues was coming to an end. Dissent was being openly expressed both with Grey's proposal and with Fox's assent to it. Sir Gilbert Elliot, whose close attachment to Burke had been shaken by differing views on France, reported that 'many of Fox's friends have declared themselves against this measure'.<sup>2</sup> Prominent among these was William Windham. Previously, he had largely avoided the topic of France with Burke, but from henceforth he would 'prove himself as violent opponent of them as Mr. Burke or anyone can be'.<sup>3</sup>

## Speech on Unitarians' Petition for Relief

11 May 1792

Sources: 1. MSS. at Northampton, A. xxvii. 96–103; A. xxxviii. 11g.

2. *Diary*, 12 May 1792.

Extensive drafts and notes clearly relating to this speech survive in Burke's MSS. at Northampton. The original editors of Burke's *Works* (1792–1827) used them to reconstruct a version of the speech for their fifth volume, which appeared in 1812 (reprinted in *Works* (Bohn), vi. 113–26). They put a number of fragments, which have virtually no indications of any coherent order, into a sequence, while omitting others. (A transcript on which the version in *Works* was evidently based is in A. xxxviii. 11a–d; further transcriptions of disconnected passages which were not included are in A. xxxviii. 11e–f.) In trying to present what would amount to a readable whole, the editors made many changes. Passages were linked and what seemed to them to be missing words were added. Some quotations were expanded. Capitalization was modified and punctuation was supplied in many places. Both the editors, French Laurence and Walker King, had been very closely associated with Burke, and so their sense of his intentions commands respect. Their sequence, even though frequent alterations of order in the MS. transcription suggest they had difficulty in determining one, has been largely preserved here. Otherwise this version tries to keep closer to the MSS. More, but still not all, of the fragments are included. The editors' interpolations, modified capitalization, and added punctuation have been largely discarded. The MS. version is supplemented by the longest of the newspaper reports, that which appeared in the *Diary*, 12 May 1792, described as a 'Sketch . . . furnished by the Printer's friends, he having been obliged by indisposition to absent himself from the House'. The *Diary's* account was repeated in *Parl. Reg.*, xxxiii. 27–31, 33, 39 and for the main speech in *Parl. Hist.*, xxix. 1381–95, which added the *Works* (1792–1827) version in a note.

Unitarianism, or belief in the deity as a single entity, rather than the Trinity of orthodox Christianity, had been gaining ground for some time among sections of Protestant Dissent and in some Anglican circles. In 1791 London Unitarians formed a Unitarian Society, primarily to make their beliefs better known by sponsoring publications. The Society also

<sup>1</sup> Many legends were attached to the great anaconda pythons of Sri Lanka.

<sup>2</sup> Minto, ed., *Elliot Life and Letters*, ii. 17.

<sup>3</sup> *The Windham Papers*, 2 vols., London, 1913, i. 103.



decided to seek the repeal of penalties imposed on those who could not subscribe to the doctrine of the Trinity which remained on the statute book, even if they were not enforced. In particular, they wanted the repeal of the Blasphemy Act (9 and 10 Will. III, c. 35), which debarred from office and could subject to imprisonment those who denied 'any one person in the Holy Trinity to be God', and of the provisions in the Toleration Act (1 Will. and Mary, c. 18, sec. 17) which withheld the benefits of the act from those who would not profess their belief in the Trinity. The Unitarian petition to the House of Commons claimed that until the offending statutes were repealed, their 'religious Liberty is infringed, and even an imperfect Toleration is rendered incomplete'.<sup>1</sup> The expectations of the Unitarians were that what seemed to them to be obvious anachronisms would be removed in the same spirit of toleration that had led to the easing of penalties on Catholics.<sup>2</sup> They believed that ministers would not oppose this. They entrusted their petition to Charles Fox, who persuaded them to link their grievances with a much wider attack on religious discrimination. He moved on 11 May that permission should be given to introduce a bill that would repeal penal provisions in thirty-one statutes, including those objected to by the Unitarians.

Burke had carefully prepared a speech strongly opposing the motion, which he delivered immediately after Fox had spoken. In his surviving drafts he affirmed a life-long commitment to religious toleration. 'It would be barbarous to pretend to look into the minds of men.'<sup>3</sup> Furthermore,

My original principle and what is more my original disposition is to draw whatever Talents virtue integrity exists in the Country into a capacity to serve the State and to the best of my poor power by recommendation sollicitation and application and in every mode of encouragement, thro the whole course of my Life, I have never I think once failed to forward it.<sup>4</sup>

Denial of the doctrine of the Trinity does not seem to have constituted for Burke grounds for putting the Unitarians beyond the pale of toleration. He would treat the issue as 'separated from theological points'.<sup>5</sup> It was the threat that he believed that the Unitarians posed to the Church of England and the political implications of the petition that concerned him. If the Unitarians were willing to 'disband as a faction, and . . . act as individuals; and when I see them with no other views than to enjoy their own conscience in peace, I for one shall most cheerfully vote for the Question'.<sup>6</sup>

Strong as was his commitment to religious toleration, Burke still insisted that religion was not a matter indifferent to the state.

Religion so far, in my opinion, from being out of the *Province* or the *Duty* of a Christian Magistrate, that it is, and it ought to be, not only his *Care*, but the principal in his care; because it is one of the great bonds of human Society, and its *Object* the supreme good, the ultimate End and *Object*, of man himself.<sup>7</sup>

It was therefore wholly legitimate for government to resort to 'A reasonable, prudent, provident and moderate coercion', if circumstances required it.<sup>8</sup> Above all, the English state had a pre-eminent duty to uphold the established church. 'In a *Christian* commonwealth the *Church and the State* are one and the same thing; being different *integrant parts*

<sup>1</sup> *Commons Journals*, xlvii. 522-3.

<sup>2</sup> See G. M. Ditchfield, 'Anti-Trinitarianism and Toleration in late Eighteenth-Century British Politics: The Unitarian Petition of 1792', *Journal of Ecclesiastical History*, xlii, 1991, 39-67.

<sup>3</sup> See below, p. 501.

<sup>4</sup> See below, p. 501.

<sup>5</sup> See below, p. 504. He did, however, write in the margin of Priestley's *The Proper Object of Education in the Present State of the World* that 'on his principles he ought to become a Mussulman [Muslim] if not one already' (MS. at Northampton, A. xiv. 64).

<sup>6</sup> See below, p. 501.

<sup>7</sup> See below, p. 491.

<sup>8</sup> See below, p. 490.

of the *same whole*, which is the Church.<sup>1</sup> In his speech on the motion for the repeal of the Test and Corporation Acts he had warned the House that there were Dissenters who aimed to overthrow the established church and that they should not be given the power to do so.<sup>2</sup> The Unitarians, in his view, had formed themselves into a 'faction' with precisely that objective. Nor did he believe this to be the limit of their ambitions. He considered that the Unitarians were not merely 'confined to a theological Sect, but are also a *political* faction'.<sup>3</sup> He frequently put them in the same category as the Revolution Society and the Society for Constitutional Information as 'Cabals *formed* or *forming* within these Kingdoms, to cooperate with [the French] for the destruction of our constitution'.<sup>4</sup>

Those who spoke for the Unitarians or those who saw their petition as a reasonable request for toleration firmly denied such charges. Unitarians certainly wished to see religious establishments brought to an end, but they invariably insisted that they had no intention of using violence to achieve that aim. The Unitarian Society claimed not to be a body with overtly political objectives, and leading Unitarians, notably Price and Priestley, declared themselves to be neither democrats nor republicans, but committed to the British constitution. All this might be true, but Priestley could use indiscreetly inflammatory language on occasions, as when he wrote of 'laying gunpowder' under the establishment,<sup>5</sup> and the Unitarian Society was given to publicly toasting the French Revolution and the writings of Thomas Paine at its meetings.<sup>6</sup> Burke did not lack for ammunition to use against them.

(1) MS. AT NORTHAMPTON, A. XXVII. 96-103

I never govern myself, no rational man ever did govern himself, by *abstractions* and *universals*.

I do not put *abstract* Ideas *wholly* out of *any* question, because I well know, that under that name, I should dismiss *Principles*—and that without the guide and light of sound well understood *principles*, all reasonings in *politicks*, as in every thing else, would be only a confused jumble of particular *facts*, and *details*, without the means of drawing out any sort of theoretical or practical conclusion.

But a *Statesman* differs from a *professor in an University*. The latter has *only* the *general* View of society.

The former, the *Statesman*, has a Number of Circumstances to combine with those general Ideas, and to take into his Consideration—Circumstances are infinite, are infinitely combined are variable and transient and judging contrary to the exigencies of the moment he may ruin his Country for *ever*. He who does not take them into consideration, is not erroneous but stark mad—*dat operam ut cum ratione insaniat*<sup>7</sup>—he is metaphysically mad.

<sup>1</sup> See below, p. 491.

<sup>2</sup> See above, pp. 310-16.

<sup>3</sup> See below, p. 494.

<sup>4</sup> See below, p. 500.

<sup>5</sup> See above, p. 314.

<sup>6</sup> See below, pp. 508-9.

<sup>7</sup> He tries to go mad reasonably; adapted from Terence, *Eunuch*, I. i. 18.

A Statesman (never losing sight of principles) is to be guided by circumstances.<sup>1</sup>

A reasonable, prudent, provident and moderate coercion may be a means of preventing acts of extreme ferocity and rigour; for by propagating excessive and extravagant doctrines, such extravagant disorders take place, as require the most perilous and fierce corrections to oppose them.

We set out more or less with general principles. I go on this ground, that Government, representing the Society, has a *general superintending* control over all the actions, and over all the publicly propagated doctrines of men, without which it never could provide adequately for all the wants of Society; but then it is to use this power with an equitable discretion (the only bound of sovereign authority). For it is not, perhaps, so much by a presumption of unlawful powers, as by the unwise or unwarrantable use of those which are most legal that Governments oppose their true end and Object; for there is such a thing as Tyranny as well as *usurpation*. You can hardly state to me a Case to which Legislature is the most confessedly competent in which if the rules of benignity and prudence are not observed, the most mischievous and oppressive things may not be done. So that after all it is a *moral and virtuous discretion*, and not any *abstract theory* of right, which keeps governments faithful to their Ends. These crude, unconnected truths are in the world of practice what falsehoods are in Theory.

It is not morally true, that we are bound to establish in every country, that form of religion, which in our Minds is most agreeable to Truth and conduces most to the eternal happiness of mankind. In the same manner it is not true, that we are, *against our convictions and judgments*, to establish a System of opinions and practices directly contrary to those Ends, only because some Majority of the people told by the head may prefer it. No conscientious man would willingly establish what he knew to be false and mischievous in religion or in any thing else. No wise man on the contrary would tyrannically set up his own sense so as to reprobate that of the great prevailing body of the Community, and pay no regard to the established opinions and prejudices of mankind, or refuse to them the means of securing a religious instruction suitable to these prejudices. A great deal depends on the state, in which you find them.

An alliance between *Church and State* in a Christian commonwealth is in my opinion an idle and fanciful Speculation.<sup>2</sup> An *alliance* is between *two*

<sup>1</sup> In margin: 'There is a previous question involved in every prudent deliberation.'

<sup>2</sup> It was a doctrine widely held in Anglican circles. Its chief exponent had been William Warburton (1698–1779), Bishop of Gloucester.

things, that are in their nature *distinct and independent*, such as between *two Sovereign States*. But in a *Christian* commonwealth the *Church and the State* are one and the same thing; being different *integrant parts* of the *same whole*, which is the Church. For the Church has been always divided into *two* parts, the *Clergy* and the *Laity*,—of which the Laity is as much an *essential integrant part*, and has as much its *duties and privileges*, as the Clerical Member; and in the Rule order and government of the Church, has its share.

Not fond of defining with precision to what the ultimate rights of the sovereign supreme power in providing for the safety of the Commonwealth may or may not extend to.<sup>1</sup> It will signify very little what my notions, or even what their own notions on the Subject may be, because in according to the exigence, they will take in fact the steps which seem to them necessary for the preservation of the whole for as self-preservation in individuals is the first Law of Nature, the same will prevail in Societies, who will right or wrong make that an object paramount to all other Rights whatsoever. There are way[s] and means, by which a good man would not even save the Commonwealth. But what they are and what in extent of.

Religion so far, in my opinion, from being out of the *Province* or the *Duty* of a Christian Magistrate, that it is, and it ought to be, not only his *Care*, but the principal in his care; because it is one of the great bonds of human Society, and its *Object* the supreme good, the ultimate End and *Object*, of man himself. The Magistrate, who is a man, and charged with the concerns of men, a man to whom *very specially* nothing human is remote and indifferent,<sup>2</sup> has a right and a duty to watch over it with an unceasing Vigilance To protect, to promote, to forward it by every rational, just and prudent means.

It is the Interest, and it is the Duty, and because it is the Interest and the Duty, it is the *Right* of Government to attend much *to opinions*, because, as opinions soon combine with passions, even when they do not produce them, they have much influence on actions. Factions are formed upon opinions, which factions become in effect bodies corporate in the State—

<sup>1</sup> In a separate fragment, Burke wrote:

‘1. The general rights of Government cannot be easily Limited.

2. *Have a right to examine into opinion.*

3. How to conduct themselves between 1. extremes of a bland and stupid security by which a great state tumble[s] to the ground. 2. The other an anxious jealousy by which it frets, vexes, oppresses and disgusts.’

<sup>2</sup> ‘Homo sum, humani nil a me alienum puto’; I am human, I consider nothing human alien to me; Terence, *Self-Tormentor*, I. i. 25.



may factions generate opinions in order to become a centre of union and to furnish watch words to parties—and this may make it expedient very often for Government to forbid things in themselves innocent and neutral.

It is principally his Duty to prevent the *Abuses* which grow out of every *strong and efficient principle* that actuates the human Mind. As religion is one of the *Bonds of Society*, he ought not to suffer to be made the *pretext* of destroying its peace, order, liberty and its security.

Above all, he ought strictly to look to it, when men begin to form new *combinations*, to be distinguished by *new Names*, and above all when they mingle a *political System* with their religious opinions, true or false, plausible or implausible, difference of old and new.

The establishment of a new faith or a new mode of government is generally attended with more fury and violence than happens in an old one.

New factions in politicks are more dangerous to the peace and order of society than the old—first because the old by long continuance abate of their fervour—whereas the new which seeks.

<sup>1</sup>[T]he Nurse of the abuses of < . . . > calm and tranquility—is the softener of the fury of the Passions. Old religious factions are Volcanoes burnt out—on their lava and ashes and squalid scoriae of old eruptions grow the peaceful olive, the cheering vine, and the sustaining corn. Such was the first, such the second, condition of Vesuvius.<sup>2</sup> But when a new fire, a face of desolations comes on, not to be rectified in ages. Such is France once adorned with the grace of Elegance and the power of arms, What is she now—Innovation.

All things founded on the idea of danger ought in a great degree to be temporary.

All policy very suspicious that sacrifices any part to the Ideal good of the whole.

The object of the State is (as far as may be) the happiness of the whole. Whatever makes multitudes of men utterly miserable can never answer that *Object*—indeed it contradicts it wholly and entirely, and the happiness or misery of mankind, *estimated by their feelings* and sentiments and not by any *theories* of their rights is and ought to be the Standard for the Conduct of Legislators towards the people *non mihi sed me rebus*.<sup>3</sup>

<sup>1</sup> 'time is the softener of passions as well as' deleted.

<sup>2</sup> There were known to have been previous eruptions of Vesuvius before the devastating one of AD 79. Burke is probably quoting from the *Geographica* of Strabo.

<sup>3</sup> 'Et mihi res, non me rebus subungere conor'; I try to subject circumstances to myself, not myself to circumstances: Horace, *Epistles*, I. i. 19.

This naturally and necessarily conducts us to the peculiar and characteristic situation of a people,<sup>1</sup> and to a knowledge of their opinions, prejudices habits, and all the circumstances that diversify and colour life.

The first question a good Statesman would ask himself therefore would be, how and in what circumstances do you find the Society and to act upon them. We find the Society divided. Religion the great bond.

The other Laws relating to other Sects I have nothing to say. I only look to the *Petition* which has given rise to this *proceeding*. I confine myself to that; because in my opinion its merits have little or no relation to that of the other Laws which the Right Honourable Gentleman has with so much ability blended with it.<sup>2</sup>

With the Catholicks, with the Presbyterians, with the independents, with the Anabaptists, with the Quakers, I have nothing at all to do. They are in *possession*, a *great title* in all human affairs.

The Tenour and <spirit> of our Laws whether they were *restraining* or whether they were *relaxing* have hitherto taken another Course. The spirit of our Laws have applied their *penalty* or their *relief* to the supposed abuse to be repressed, or the grievance to be relieved and the provision for a Catholick and a quaker has been totally different, according to his exigence; you did not give a Catholick Liberty to be freed from an oath,<sup>3</sup> or a Quaker power of saying Mass with impunity.

They have done this, because you never have laid it down as an universal proposition as a Maxim that nothing relative to religion was your concern, but the direct contrary—and therefore you have always examined whether there was a Grievance. 2dly whether it was right or wrong I will not now dispute. It has been at all times; the Legislature, whether right or wrong we went upon no other way to work but by circumstances times and the necessities. My mind marches the same. My school is the practice and usage of Parliament.

When they come before us, and rise up like an exhalation from the ground—they come in a *questionable* Shape and we must *exorcise* them and try whether their intents be wicked or Charitable? whether they bring airs

<sup>1</sup> 'people' repeated in MS.

<sup>2</sup> In giving notice of his intention to present the Unitarians' petition on 8 March 1792, Fox had stated that his preference was to combine the specific relief for which they asked with the repeal of 'every penal statute upon religion that exists'. They were 'all disgraceful to our statute book' (*Parl. Reg.* xxxii. 39). On 11 May his motion consisted of a list of 31 statutory provisions that he wished to see repealed (*Common Journals*, xlvii. 787-9).

<sup>3</sup> Quakers had been permitted to make an affirmation rather than swear an oath since 1695.

from Heaven, or blasts from Hell.<sup>1</sup> This is the first time, that our Records of Parliament have heard, or our experience or History given us an account of any religious *congregation* or *association* known by that name.<sup>2</sup>

We are now to see by what people of what Character, and under what temporary Circumstances, this Business is brought before you.

Namely to see whether there be any and what mixture of *political* dogmas and *political practices* within their religious Tenets, of what nature they are, and how far they are at present practically separable from them.

First Principle an avowed intention to subvert the Established Church and a strong ground not of testimony but a.

[V]ery hard for any *Church* to continue without a *Political Alliance*. Though they disclaim all alliances, they have formed theirs, but let us see with what *Politicians* they are allied.

That this faction (the authors of the Petition) are not confined to a theological Sect, but are also a *political* faction.<sup>3</sup>

1. As theological, to shew, that they do not aim at the quiet enjoyment of their own Liberty, but are associated for the express purpose of *Proselytism*.

2. That their purpose of proselytism is to collect multitude sufficient by *force and violence* to overturn the *Church*.<sup>4</sup>

3. That the designs against the *Church* are *concurrent* with a design to subvert the *State*.<sup>5</sup>

4. On what model they intend to build—That it is the *French*.

<sup>1</sup> 'Be thou a spirit of health or goblin damn'd. / Bring with thee airs from heaven or blasts from hell, / Be thy intents wicked or charitable, / Thou comest in such a questionable shape, / That I will speak to thee.' *Hamlet*, I. iv. 40–4.

<sup>2</sup> The petition was sponsored by the newly formed Unitarian Society for the Promotion of Christian Knowledge and the Practice of Virtue. This gave English Unitarianism a new formal organization. Unitarians, however, insisted that their beliefs were ancient ones. The Unitarian M.P. William Smith (see above, p. 313, n. 2) was to tell the House that he was 'astonished' that Burke should 'say that they were a sect never before heard of; they had existed in the earliest age of Christianity, and were known to have been persecuted long since'.

<sup>3</sup> In view of the enthusiasm which the Unitarian Society publicly expressed for the French Revolution and for Paine and the Rights of Man, it is understandable that Burke should have denounced it as from his point of view a subversive political body. Unitarians, however, insisted that the objectives of their Society were not political. Its stated purpose was to advance awareness of Unitarian principles by publishing tracts. In reply to Burke, Priestley was to proclaim that the Society never claimed to be representative of the great body of Unitarians, that Unitarianism had 'no relation to any system of politics', that many Unitarians could be found in the Church of England and that Unitarians were both 'friends' and 'enemies' of 'what is called government' (*An Appeal to the Public on the Subject of the Riots in Birmingham, Part II*, London, 1792, p. ix).

<sup>4</sup> Unitarians were committed to the ending of religious establishments, but their spokesmen invariably denied that they intended to use violence to achieve their aims. Priestley's insistence that 'reason' and 'free enquiry' were their sole weapons was characteristic (*A Letter to the Right Honourable William Pitt . . . On the Subjects of Toleration and Church Establishments . . .*, London, 1787, p. 40).

<sup>5</sup> Unitarians denied this.

5. What the French is with regard to religious toleration, and with regard to, 1. religion.—2. civil happiness—3. Virtue, order, and real Liberty—4. Commercial opulence—5. National defence.

Proofs.

1st Proposition. Read their primary association.<sup>1</sup>

2 P[roof]. Letter of Dr Priestley to Mr Pitt, extracts from his Works.<sup>2</sup>

3. Proof. read the advertisement of the unitarian Society celebrating the 14th July—<sup>3</sup>

4. P[roof]. read the correspondence of the Revolution Society with the Clubbs of France, read Priestley's adherence to their opinions.<sup>4</sup>

5. Proofs. read the representation of the Minister of the Home department. The Report of the Committee upon it.<sup>5</sup>

[F]ormerly when Dogmas were in question and establishments, and the superiority of two parties contending for an establishment was the Question.

1st. we knew in such a contest the whole of the Evil.

We knew for instance, that Calvinism would prevail according to the Westminster Catechism<sup>6</sup> with regard to Tenets. We knew that Presbytery would prevail in Church Government.

But we do not know what opinions would prevail, because if the present dissenters should become Masters—They will not tell us their present opinions and that one principle of modern dissent is not to discover them. Next as their religion is in a continual fluctuation and is so by principle and in profession it is impossible for us to know what it will be—

<sup>1</sup> The Society's objectives and its rules set out in *The Unitarian Society for Promoting Christian Knowledge and the Practice of Virtue*, London, 1791.

<sup>2</sup> 'What we are aiming at is, to enlighten the minds of the people, and to show them that in the Church establishment of this country there is much error and superstition; and if we can convince them that it is so (and of this I have no doubt) in proper time they will take it down of themselves and erect something in its place or dispose of the materials (if they should think them of any value) for some other purpose' (*Letter to Pitt*, p. 18).

<sup>3</sup> See below, pp. 507–8.

<sup>4</sup> *Correspondence of the Revolution Society in London with the National Assembly and with Various Societies of the Friends of Liberty in France and England*, London, 1792. This was a publication aimed specifically at refuting what it claimed to be Burke's misrepresentations of such correspondence. Extracts from it are in MS. at Northampton, A. vii. 21. Burke was to quote from it on future occasions. Priestley was an enthusiast for the French Revolution but he insisted that he was 'an avowed advocate for our mixed government by King, Lords and Commons' and that 'Every publication which bears my name is in favour of our present form of government' (*An Appeal to the Public*, Part II, p. 112).

<sup>5</sup> Burke is referring to the report delivered to the National Assembly on 24 April 1792 by the Minister of the Interior, Jean-Marie Roland de la Platière (1734–93), for which see below, p. 512, n. 1, and to the report on measures to be taken to restore order in France by the Committee of Twelve on 26 April 1792 (*Ancien Moniteur*, xii. 229–36).

<sup>6</sup> Drawn up by English and Scottish Presbyterians in the 1640s.



Now if we give up our establishment, that is the true Question.

Common parties contend for the superiority in administration leaving the constitution as they found it. This is a question of the constitution. [R]eligion if only related to the individual, and was a question<sup>1</sup> between God and the conscience, it would not be wise, nor in my opinion equitable, for human authority to step in. [B]ut when religion is embodied into faction, and factions have objects to pursue, it will, and must more or less become a question of power between them.

If even, when embodied into congregations they limited their principle to their own congregations, and were satisfied themselves to abstain from what they thought unlawful, it would be cruel in my opinion to molest them in that tenet and a consequent practice, but if we know that they not only entertain these opinions, but entertain them with a Zeal for propagating them by force, and employing the power of Law and violence to destroy establishments if ever they should come to power sufficient to effect their purpose. They mean evidently to seize the Legislature into their hands.

That is in other words they declare they would persecute the heads of our Church and the question is whether you should keep them within the bounds of toleration or subject yourself to their persecution. This if it were a mere matter of Theory I should think it.

Fox separate the men who wish to destroy establishments from those who but though they hold yours to be unlawful they take no active methods whatever or use any plots to destroy it.<sup>2</sup>

You are threatened with the destruction of the Church—The difference stated to you is that if you give the dissenters the power which they ask, they will respite your destruction. If you oppose them they will do it a little earlier—twenty years the utmost.<sup>3</sup>

A bad and very censurable practice it is, to warp *doubtful and ambiguous expressions to a perverted Sense* which makes the charge not the Crime of others, but the construction of your own Malice. Nor is it allowed to draw conclusions from allowed premises,—which those, who lay down the premises, *utterly deny and disown as their* conclusions for this, though it may possibly be a good logick it cannot, by any possibility whatsoever, be a fair or charitable representation of any man, or any set of men. It may shew the

<sup>1</sup> 'question' repeated in MS.

<sup>2</sup> See above, p. 319.

<sup>3</sup> Priestley had written that if the Anglican clergy were intransigent in resisting reform, 'I should be sorry to insure their System twenty Years longer' (see above, p. 315).

erroneous nature of principles; but it argues nothing as to dispositions and intentions.

Far be such a mode from me—for it is bad and it is.

Let us pass by *our* opinions concerning the danger of the Church. What do the Gentlemen themselves think of that *danger*? They, from whom the danger is apprehended, what do they declare to be their *own designs*? What do they conceive to be their own *forces*? and what do they proclaim to be their means? Their *designs* they declare to be to destroy the established Church and not to set up a new one of their own. See Priestley—<sup>1</sup> It appears therefore.

If they should find the State stick to the Church, the question is, whether they love the Constitution in State so well, as that they would not destroy the Constitution of the State in order to destroy that of the Church. Most certainly not.

The foundations on which obedience to Governments is founded are not to be constantly discussed—That we are here supposes The discussion already made and the dispute settled. We must assume the Rights of what represents the publick to control the individual, to make his will and his acts to submit to their will, until some intolerable grievance shall make us know that it does not answer its end and will submit neither to reformation or restraint.<sup>2</sup> We should dispute all the points of morality before we can punish a murderer robber and adulterer. We must analyze all society.

Dangers by being despised grow great—so they do by absurd provision against them: *Stulti est dixisse non putaram*.<sup>3</sup>

Whether an early discovery of evil designs, an early declaration, and an early precaution against them be more wise than to stifle all Inquiry about them for fear they should declare themselves more early than otherwise they would and therefore precipitate the Evil. All this depends on the *reality* of the danger. If it be only an unbookish jealousy, as Shakspeare calls it<sup>4</sup> then indeed it might be a means of teaching lesson against ourselves. But if it be existing in reality, and silently maturing itself to our destruction, what is it not better to take *Treason unprepared*, than that *Treason* should come by *surprise upon us* and take us unprepared—If we must have a

<sup>1</sup> Priestley was opposed to all religious establishments. 'Every man will provide religion for himself' (*Letters to the Right Honourable Edmund Burke, Occasioned by his Reflections on the Revolution in France* &c., 3rd edn., Birmingham, 1791, p. 151).

<sup>2</sup> In margin: 'This their right of resistance however unwise would however be as generous and heroical as they intend if they meant that they would suffer it against their own power.'

<sup>3</sup> Possibly 'stultum est dicere putabam': it is foolish to say that I supposed.

<sup>4</sup> *Othello*, IV. i. 91.

conflict, let us have it with all our forces fresh about us, with our Government in full function and full strength, our Lords and Commons in full authority—our troops uncorrupted, our revenues in the legal hands, our arsenals filled and possessed by Government; and not wait till the conspirators met to commemorate the 14th of July shall seize on the Tower of London and the Magazines it contains, murder the Governour and the Mayor of London, seize upon the King's person, drive out the House of Lords; occupy your gallery, and thence, as from an high tribunal, dictate to you.

Question of fact. Does a design against the Constitution of this Country exist —

If it does, and if it is carried on with increasing vigour and activity by a restless faction. If it receives countenance by the most ardent and enthusiastick applauses of its object in the great Council of this Kingdom by men of the first parts, which this kingdom produces, perhaps by the first it has ever produced,<sup>1</sup> can I think, that there is no danger? If there be danger, must there be no precaution at all against it.

If you ask whether I think the danger urgent and immediate, I answer, thank God, *I do not*. The body of the people is yet sound, the Constitution is in their hearts while wicked men are endeavouring to put another into their heads. But if I see the *very same* beginnings, which have commonly ended in *great calamities*, I ought to act as if they might produce the *very same effects*. [E]arly and provident fear is the mother of safety, because in that State of things the *mind is firm* and collected, and the judgment unembarrassed. But when the fear and the Evil heard come together and press at once upon us, the man is in a flutter and in an hurry, deliberation itself is ruinous which serves upon all other occasions; because when perils are instant, it delays decision; and his judgment is gone, as the judgment of the deposed King of France and his Ministers was gone, if the latter did not premeditatedly betray him. He was just come from his usual amusement of hunting, when the head of the column of Treason and assassination was arrived at his House.<sup>2</sup> Let not the King let not the Prince of Wales be surprised in this manner. Let not both Houses of Parliament be led in Triumph along with him, and have law dictated to them by the constitutional, the revolution, and the unitarian Societies.

<sup>1</sup> Fox. In another fragment Burke had written of 'multitudes of men sheltering under the authority, of great able men and Splendid Characters in the State'.

<sup>2</sup> At Versailles on 5 October 1789.

This will make them break out sooner.

Those insect reptiles, whilst they go on only caballing and toasting, only fill us with disgust—if they get above their natural size, and increase the quantity, whilst they keep the quality of their venom, they become objects of the greatest Terrour. A spider in his Natural size is only a Spider ugly and loathsome; and his flimsy net is only fit for catching flies but good God suppose a spider as large as an ox, and that he should seat above us, all the wilds of Africa do not produce any thing so dreadful—*Quale portentum neque militaris Daunia in latis alit esculetis*—<sup>1</sup>

Think of them who dare menace in the way they do in their present state, what would they do if they had power commensurate to their malice.

God forbid I ever should have a despotick Master Oh God < . . . > avert it—but if I must, my choice is made. I will have Louis the 16th rather than Monsieur Bailly,<sup>2</sup> or Brissot,<sup>3</sup> or Chabot—<sup>4</sup> rather George the third, or George the fourth, than Dr. Priestly or Dr. Kippis<sup>5</sup> or <Mr Thos Paine>. Persons who would not load a tyrannous power by the poisoned taunts of a vulgar low-bred insolence. I hope we have still spirit enough to keep us from the one or the other. The contumelies of tyranny are the worst parts of it.

Such freedom as was given to the Church of England in 1650 and 1656.<sup>6</sup> Such freedom as is given by those Mussalman fanaticks to our brethren the miserable Christians in Constantinople—Such freedom as these heathens in France afford to the Gallican Church. Such freedom we may well look for.—But against such Freedom I am willing to contest with the last words I can utter and if called for with the last drop of my blood.<sup>7</sup>

<sup>1</sup> A monster such as not martial Daunia nurtures in her oak forests. 'Nec Jubae tellus generat leonum / Arida Nutrix' (nor the parched lands of Juba, nurse of lions breeds) added in *Works*; Horace, *Odes*, I. xxii. 13–16.

<sup>2</sup> See above, p. 295, n. 2.

<sup>3</sup> Jacques-Pierre Brissot de Warville (1754–93), leader of the Girondin faction, for whom Burke was to develop a particular aversion.

<sup>4</sup> François Chabot (1756–94), a former Capuchin friar and a strong supporter of left factions.

<sup>5</sup> Andrew Kippis (1725–95), a Presbyterian with strong Unitarian inclinations, who was very active in Dissenting campaigns.

<sup>6</sup> In the aftermath of the Civil War the Church of England was subjected to heavy penalties: episcopacy and church courts were abolished and use of the Book of Common Prayer was prohibited. In the 1650s the Interregnum regimes were less rigorous and Anglican worship was generally tolerated. The significance of Burke's dates is not very obvious. In 1650 the Rump Parliament promised relief to those who worshipped without disturbing the peace and in 1656 Oliver Cromwell (1599–1658) gave specific assurances to Anglicans.

<sup>7</sup> Burke was reported to have spoken in these terms at the conclusion of his speech, see below, p. 514.



The degree of danger is,<sup>1</sup> not only from the Circumstances which threaten, but from the value of the Objects, which are threatened. A *small* danger menacing an *inestimable* object is of more importance, than the greatest perils which regard one that is indifferent to us.

The whole question of the danger depends upon Facts.

The first Fact is, whether those, who sway in France at present confine themselves to the regulation of their internal affairs, or whether upon System they nourish Cabals in all other Countries, to extend their power by producing revolutions similar to their own.

The next is, whether we have any Cabals *formed* or *forming* within these Kingdoms, to cooperate with them for the destruction of our constitution.

On the solution of these two questions, joined with *our opinion* of the *value of the object to be affected by their machinations*, the justness of our alarm, and the necessity of our vigilance must depend.

Every private conspiracy, every open attack upon the Laws is dangerous. *One* Robbery is an alarm to all property—else I am sure, we exceed measure in our punishment. As Robberies increase in number and audacity, the alarm increases. These wretches are at war with us upon principle. They hold this Government to be an *usurpation*. See the language of the Department.<sup>2</sup>

The whole question is on the reality of the danger. Have they further designs? For this too consult themselves. *Qui cadere potest in hominem constantem et non metuentem.*<sup>3</sup> This is the fear which the principles of Jurisprudence declare to be a lawful and justifiable *fear*. When a man threatens my life openly and publicly, I may demand from him securities of the peace. When every act of a man's life manifests such a design stronger than by words, even though he does not make such a declaration—I am justified in being on my guard.

They are of opinion that they are already *one fifth* of the Kingdom.<sup>4</sup> If so their force is nationally not contemptible. To say that in all contests the

<sup>1</sup> In margin: 'Is the danger imminent—is it great'.

<sup>2</sup> Presumably the new French foreign ministry, the Département des Affaires Etrangères. The specific source to which Burke is referring has not been located, but denials of the legitimacy of any regime that was not based on popular representation were becoming increasingly strident in discussions of France's relations with other European states. In the *Appeal from the New to the Old Whigs*, Burke had written that 'The French faction considers as an usurpation, as an atrocious violation of the indefeasible rights of man, every other description of government' (see above, p. 385).

<sup>3</sup> [Such a fear] as a man of a constant and not a fearful disposition may feel. 'But then that fear, which compels a man to do an unwarrantable action, ought to be just and well-grounded, such "qui cadere possit in virum constantem, non timidum et meticulosum"' (Blackstone citing Bracton, *Commentaries on the Laws of England*, bk. iv, ch. 2). Reference supplied by Richard Bourke.

<sup>4</sup> The source of what was probably an inflated estimate has not been identified.

decision will of *Course* be in favour of the greater Number, is by no means true in fact. [F]or first *the greater number* is generally composed of men of sluggish Tempers; slow to act, and unwilling to attempt; and by being in possession are so disposed to *peace*, that they are unwilling to take early and vigorous measures for their defence, and they are *almost always* caught unprepared. Dedicerum pace ducem:—nec reparare *novas vires*—multumque; priori credere fortunae—stat magni nominis umbra—<sup>1</sup>

A smaller number more expedite, awakened, active, vigorous and courageous, who make amends for what they want in weight by their superabundance of velocity, will create an acting power of the greatest possible strength.

When men are furiously and fanatically fond of an Object, they will prefer it as is well known to their own *peace*, to their own property, and to their own Lives—and can there be a doubt in such a Case, that they would prefer it to the peace of their Country? Is it to be doubted that if they have not strength enough at home, they will call in foreign force to aid them. For when men are <new>.

Would you deny them *what is reasonable* for fear they should. Certainly not. It would be barbarous to pretend to look into the minds of men. I would go further, it would not be just even to trace consequences from principles which though evident to me were denied by them.

But would you deny them.

Let them disband as a faction, and let them act as individuals—and when I see them with no other views than to enjoy their own conscience in peace, I for one shall most cheerfully vote for the Question than <against>.

To keep men from the service of their Country is very bad.

My original principle and what is more my original disposition is to draw whatever Talents virtue industry exists in the Country into a capacity to serve the State and to the best of my poor power by *recommendation* sollicitation and application and in every mode of encouragement, thro the whole course of my Life, I have never I think once failed to *forward* it and if ever I regretted my total want of Credit and consideration it was that it disabled me from bringing such men into action being the most valuable Service which any man can do to his Country because including in it every other kind of service that can be done. For no <punishment> It has been so much and so heavy to see that nothing in the world for the service of the

<sup>1</sup> . . . forgotten in peace the leader's part . . . trusting fondly to his former greatness, he did nothing to support it by fresh power. He stood the mere shadow of a mighty name: Lucan, *Civil War*, i. 131, 134–5.

State is like to be compared to that Godlike Machine the mind of a wise and good man. But the Talents that save can destroy.

The active Enemies to all Establishments the worst Enemies to their Country.

A tender conscience, of all things to be tenderly handled. For if you do not, you injure not only the conscience, but the whole frame and constitution is injured, recurring at times to remorse, and seeking refuge only in making it callous. But the conscience of faction, the conscience of sedition, the conscience of conspiracy, war, and confusion.

Whether any thing be proper to be denied which is right in itself, because it may lead to the demand of others, which it is improper to grant. Abstractedly speaking, there can be no doubt that this question ought to be decided in the negative. But as no moral questions are ever abstract questions. This before I judge upon any abstract proposition, must be embodied in circumstances.<sup>1</sup> Politicks and morals have very little to do with abstractions, for since things are right or wrong, *morally* speaking, only by their *relation* and connexion with *other* things, this very question of what it is politically right to grant depends upon this relation to its *effects*. It is the direct office of wisdom to look to the consequences of the acts we do. If it be not this, it is nothing—it is out of place and of function; and a down-right fool is as capable of government as Charles Fox. A man desires a sword. Why should he be refused? A sword is a means of defence, and defence is the Natural right of man,—nay the first of all his rights and which comprehends them all. But if I know that the sword desired is to be employed to cut my own throat, common sense and my own self-defence dictate to me to keep out of his hands this *natural* Right of the sword. The foundation of rational apprehension as distinct from groundless fear—see above.<sup>2</sup> Upon their ill dispositions and the. Whether we have reason to believe that the dissenters have it in view to destroy the established Church.

But whether this denial be *wise* or foolish, *just* or *unjust*, prudent or *comardly*, depends entirely on the state of Facts. [M]eans. A man may have very ill dispositions, and yet be so very weak as to make all precaution foolish. See whether this be the case of the dissenters, as to their designs declared, as to their means, Numbers, activity, Zeal, Foreign assistance.

<sup>1</sup> 'This Kind of conduct I know very well makes you friends with no party; and if I were to look for friends' in margin.

<sup>2</sup> See above, p. 500.

The first question to decide when we talk of the Church's being in danger from any particular measure, is, whether the danger to the Church is a *publick evil*. For to those who think that the Church Establishment is itself a national *Grievance* to desire them, to forward or to resist any measure upon account of its *conducting* to the *safety* of the Church, or averting its *danger*,<sup>1</sup> would be to the last degree absurd. If you have reason to think thus of it, take the reformation instantly into your own hands, whilst you are yet cool, and can do it in measure and proportion, and not under the influence of Election Tests<sup>2</sup> and popular fury.

But here I assume, that by far the greater number of those who compose the House are of opinion, that this National Church establishment is a great national benefit, a great publick blessing, and that its existence or its non existence of Course is a thing by no means indifferent to the publick welfare. Then to them its danger or its safety must enter deeply into every question which has a relation to it. It is not because unguarded alarms have been given that there never can exist a real danger. Perhaps the worst effect of an ungrounded *alarm* is to make people insensible to the approach of a real *peril*.<sup>3</sup>

<sup>4</sup>1st the principles no passive conscientious dissent on account of an overscrupulous habit of mind. The dissent on their part is fundamental, goes to the very root—and it is at issue not upon this rite or that ceremony—on this or that *school opinion*, but upon this one Question of an Establishment as unchristian, unlawful, contrary to the Gospel, and to natural Right, Popish and idolatrous. Whether active or passive—Price[,] Rous.<sup>5</sup> These violently and fanatically held and pursued—taught to their children; who are sworn at the altar like Hannibal.<sup>6</sup> The war is with the establishment itself, no quarter no compromise.

<sup>1</sup> 'greatest of all dangers from those who lead the opinions of others—namely writers and preachers.' in margin.

<sup>2</sup> Burke was apprehensive that the considerable numbers of Dissenters who were enfranchised voters would be able to induce M.P.s to commit themselves at elections to support measures against the church.

<sup>3</sup> In margin: 'Quakers strict, methodical, in its Spirit highly aristocratical, and so regular that it has brought the whole community to the condition of one family. But it does not actually interfere with the Government'. Another MS. section ends with words that seem to belong here: 'But though they hold yours to be unlawful they take no active measures whatever or use any plots to destroy it'.

<sup>4</sup> 'for your danger consult your Enemy—what is his or' deleted.

<sup>5</sup> Price was an avowed enemy to religious establishments. George Rous had recently written that 'Even I, a churchman and friend to establishments do not hesitate to say, if the Clergy *will combine their safety with injustice to others*, let establishments perish' (*Letter to Burke . . . in Reply to his Appeal from the New to the Old Whigs*, p. 43).

<sup>6</sup> The 9-year-old Hannibal was said to have been made to swear everlasting enmity to Rome on an altar.



2. As a party they are infinitely mischievous. The declarations vide Priestley and Price—declarations of *hot* men. Likely enough—but who are the *cool* men who have disclaimed them?<sup>2</sup> not one,—no not one. Which of them has ever told you, that they do not mean to *destroy the Church* if ever it should be in their power? Which of them has told you that this would not be *the first and favourite* use of any power they should get? not one,—no not one. Hot men—The danger is thence that they are under the *conduct* of hot men—*falsos in amore odia non fingere*.<sup>1</sup>

They say, they are well affected to the State, but mean only to destroy the Church. If this be the *utmost* of their meaning, you must first consider whether you wish your Church Establishment to be destroyd. If you do, you had much better do it now in Temper, in a grave, moderate, and parliamentary way.

But if you think otherwise, and that you think it to be an invaluable blessing, a way fully sufficient to nourish a manly rational solid and at the same time humble piety. If you find it well fitted to the frame and pattern of your civil constitution—If you find it a barrier against Fanaticism, infidelity, atheism. If you find that it furnishes the balm to the human mind in the afflictions and distresses of the world—consolation in sickness pain poverty, and Death. If it dignifies with an hope of immortality, leaves enquiry free whilst it preserves an authority to teach where authority only can teach, *communia altaria aequae patriam, fovete*.<sup>2</sup>

(2) *DIARY*, 12 May 1792

Mr. *Burke*, began a long and eloquent, but warm speech, with declaring, that he considered the question before the House to be of the greatest national importance; it was his intention, therefore, to treat it as it now fairly stood, as a question of prudence, and as separated from theological points. Before he entered into the question, he begged to congratulate the House upon the delicate manner in which the business had been brought forward. The Right Honourable Gentleman<sup>3</sup> had not dropped a single word imputing indifference in the people of this country to religion, and he rejoiced that the House, uncorrupted by the false principles, and the false lights of modern times, had not as yet, and he hoped never would admit to

<sup>1</sup> Men do not necessarily feign hatred because they are false in friendship; Tacitus, *Annals*, vi. 44.

<sup>2</sup> Expanded in *Works* to 'communia altaria, aequae ac patriam, diligite, colite, fovete': love, honour and cherish our common altars and our nation.

<sup>3</sup> Fox.

be heard within its walls, any thing tending to impiety. He rejoiced that the House and the Country still maintained a reverence for religion, for law, and for order, since the people consequently maintained their freedom. In his poor judgment, he said, no ground of policy had been advanced to shew that in point of prudence, in the present state of affairs, the Acts of 9th and 10th William and Mary ought to be repealed.<sup>1</sup> He objected to any argument founded on abstract rights, they never had been his guide, he said, nor ever would be the guide of rational men. He<sup>2</sup> admitted the necessity of giving up some of those rights on his becoming a Member of Society, but had argued against his relinquishment of any part of his religious opinion on coming into Society;<sup>3</sup> this was a question of great obscurity into which he could not penetrate; he would not go into a discussion of what the Rights of men were, previous to coming into society, for in society alone he knew that security for the Rights of Men could alone be found; in society therefore he took man; to the period before the formation of society he looked not, he made no such *anti-mundane* researches; nor would he say what the rights were that men relinquished on their becoming Members of Society. What he did know was, that the Government of every society ought to have authority over its Members. He objected to the Right Honourable Gentleman's intended motions, as by far too general, as comprising an infinite variety of matter, which ought not to be comprised, but which ought to be brought forward separately and distinctly, that the House might see clearly what they were called on to do.<sup>4</sup> Had the Right Honourable Gentleman come forward with a distinct proposition to relieve from any grievance the Presbyterians, the Quakers, the Roman Catholics, the Anabaptists &c., the House would have been called upon to relieve bodies of men recognized and tolerated by the laws of the land; and men whom they knew, whose principles were known, and whose grievances being stated, a specific remedy might consequently be applied for their relief; such a mode of application, and such a proceeding would have been proper; but it would not be like the present, which was as general a way as he had heard prescribed in the hospital manner of treating patients, whatever their complaints might be, by the general order of bled to the right—purge to the left. Parliament had never given relief in such a general

<sup>1</sup> The Unitarians were petitioning for the repeal of the act of 1697 (9–10 Will. II, c. 35) and for the modification of the Toleration Act of 1689 (1 Will. and Mary, c. 18).

<sup>2</sup> Fox.

<sup>3</sup> Fox had said that: 'Man entering into society, gave up a certain portion of his natural rights; but a part of his right to think for himself in all points of religion, it was impossible for him to give up.'

<sup>4</sup> Fox was moving for permission to bring in a bill to repeal penalties in 31 statutes.

way, nor had ever in any relief been guided by abstract questions;<sup>1</sup> if they ever should so act, there would be an end to their consequence, and to their deliberative power. The present question brought before the House a body of men for relief from the penalties of certain Statutes; but the body of men were not recognised by any law of the land; they were wholly unknown as a body of men in this, or in any other Christian country; and were to be looked on [as] a phenomenon coming under the name of Unitarians, professing principles militating against the safety of the Church, which was one and the same with the Constitution; for in every Christian Commonwealth, the State and the Church were to be considered as one and the same, the State being the Laity, whose duty it was to guard on every side the safety of the Church, with which the State could no more hold an alliance, than the Members of a body with the body. As a phenomenon he wished the House to examine it, and to remember, that whenever any new thing appeared in a State, it was the duty of those who had guard of the State to examine nicely what the thing was, prior to their adoption of any measure whatever with respect to it: Unitarianism was a new religion,<sup>2</sup> with which the House was unacquainted. They all knew what old religions were, they knew their good and their evil; persecution had died away, and those religions were looked to as volcanoes, burned out, on the ruins of which every blessing for man was cultivated and enjoyed; a new volcano was to be looked to with fear and with trembling, for its eruptions might desolate and destroy those things which were now charming to Nature. The present business, treating it in the mildest way, certainly came in a questionable shape, and ought to be exorcised as Hamlet exorcised the ghost: the House ought to question it, whether it brought with it airs from Heaven, or blasts from Hell; whether its intents were wicked or charitable?<sup>3</sup> He admitted with the Right Honourable Gentleman, that it was not right to draw conclusions from religious opinions held by any man, if those opinions were denied by the man who held those opinions; but when men adopted with their religions certain political tenets, it then became the indispensable duty of the House to enquire, and to draw conclusions, whether these principles and tenets combined went to lead the way to the destruction of the Church and the State, and to examine into which was intended to be substituted in the stead of the existing

<sup>1</sup> Fox had argued that 'toleration, abstractedly, was universally approved and persecution, abstractedly, was condemned'.

<sup>2</sup> Unitarians contested this, see above, p. 494, n. 2.

<sup>3</sup> See above, p. 494.

Constitution. It has been avowed by the Petitioners, whose case gave rise to the present motion, that they had for a length of time kept themselves from the public eye; their pamphlets stated, that they were now ashamed of their inactivity and timidity, but that they were determined to make amends for their former inactivity, by a zealous promotion of their principles;<sup>1</sup> they had hid themselves in holes and corners, until, in the French Revolution, they conceived they saw a seasonable moment, to discover themselves: but by their own proceedings it was evident that their wish was not to profess quietly their own religion, but to proselyte the world;<sup>2</sup> and not withstanding the Right Honourable Gentleman, in support of their petition had urged that reviling men for their religion was religious persecution, there was to be found throughout the works of the Petitioners a charge of idolatry against the established Christian religion,<sup>3</sup> the progress of which they express their determination to oppose, as if the established religion of the country was an innovation, and not as was the fact, that their religion was an innovation of the religion established in this country, for more than six hundred years, and against the religion of almost the whole globe. The Unitarians, Mr. Burke said, had established a fund for the distribution of pamphlets to the lower classes of the people;<sup>4</sup> they were a *propagandi* to overturn the established religion of the country; they complained of no grievance, but had alone in their wish to obtain the countenance of Parliament, by a recognition of such a body of men. Mr. Burke desired, that the House would examine what description of men it was that now called for the countenance of the House; with the indulgence of the House he would shew from the writings and proceedings of their chief, Dr. Priestley, their true description. He then read several extracts from Dr. Priestley's works against the Trinity; he quoted his assertion, that a train of gun powder was laid to blow up the establishment,<sup>5</sup> and maintained, that

<sup>1</sup> Burke is paraphrasing the preamble to the rules of the Unitarian Society, which had condemned Unitarians' 'disgraceful timidity' in the past (*Unitarian Society*, p. 3).

<sup>2</sup> In his *Proper Objects of Education in the Present State of the World*, London, 1791, pp. 19–29 (copy annotated by Burke in MS. at Northampton, A. xiv. 64), Priestley had written that 'the great revolutions which are evidently coming on', which were likely to include the collapse of the Papacy, the fall of the Ottoman empire and 'the return of the Jews to Palestine', would create opportunities for the world to be 're-christianized'.

<sup>3</sup> Burke was understood to be referring to the rules of the Unitarian Society, see above, n. 1. Its preface (p. 2) dismissed doctrines that denied the unity of the deity as 'absurd and even impious and idolatrous'. Inclusion of the word 'idolatrous' caused contention among Unitarians. William Smith told the House that he disapproved of such language.

<sup>4</sup> In 1791 and 1792 the Unitarian Society had published five volumes of collected tracts and sermons.

<sup>5</sup> See above, p. 314.



throughout the whole of his writings, a wish was expressed to induce the people to pull down the Church. To prove that the Unitarians mingled politics with their religion, he took particular notice of the meeting in February 1791, at the King's Arms Tavern in the Poultry, where Dr. Priestley was the Chairman, and Mr. Lindsey,<sup>1</sup> Mr. Towers,<sup>2</sup> Mr. Horne Tooke,<sup>3</sup> &c. &c. had assembled; a tavern, by the bye, he observed was not a very common place for the moderate discussion of religious topics;<sup>4</sup> but the gentlemen so assembled, had a better subject to discuss than the *dry* one of the 39 articles; they had the discussion of 39 bumpers, and a proof of the moderation, of the innocence, and of the good-will of these gentlemen to the constitution of their country. He said he would state a few of their toasts. Mr. Burke mentioned the toasts of, Prosperity to the Unitarian Society; Mr. Fox and the Repeal of the Penal Statutes against certain Religious Opinions; the National Assembly of France, and may every tyrannical Government experience a similar revolution! [to the repetition of each of these toasts, the opposition side of the House exclaimed, *Hear! hear! hear!*] Mr. Burke proceeded, he said he had no doubt that the Gentlemen who called out *hear! hear!* would willingly touch the glasses for the toasts he had mentioned, and bumper them off with pleasure; he had several more, however, in his list, and would give them, one was

*Thomas Paine, Esqr. and the Rights of Man.*

[*Hear! hear!* was now called out from the Ministerial side of the House, and a strict silence was observed on the other side.]

What! exclaimed Mr. Burke, are the Honourable Gentlemen all silent. What, no one to put his finger to the glass for this toast! No one willing publicly to bumper it off: What, no *hear! hear!* No *three times three* to so good, so mild, so innocent a toast! No, no; the Gentlemen so loud in their approbation of former toasts, are now, he observed, as silent as mice. They were conscious, that the petitioners had incorporated politics into their religious system, and they knew that their politics so incorporated were the politics of Thomas Paine, whose production the Right Honourable Gentleman (Mr. Fox) had declared to be a libel on the Constitution, though

<sup>1</sup> Theophilus Lindsey (1723–1808), a former Anglican who founded the Unitarian Essex Street Chapel.

<sup>2</sup> Joseph Towers (1737–99) assisted at Richard Price's Stoke Newington chapel.

<sup>3</sup> John Horne Tooke (1736–1812), active in London radical politics, a former supporter of Wilkes and opponent of Fox at elections for Westminster.

<sup>4</sup> Burke is quoting from the account of the Unitarian Society's anniversary festival on 14 April in the *Morning Chronicle*, 15 Apr. 1791.

he would not go to the length of declaring it an infamous libel?<sup>1</sup> At this meeting, where Dr Priestley was the Chairman, and Dr. Kippis, Mr. Towers &c. and &c. made a part of the Company, the People of England were called upon to celebrate on the 14th of July following, the French Revolution;<sup>2</sup> whatever followed that celebration, and whatever evils fell on Dr. Priestley, or others, who were at that meeting, those evils were brought down upon them by themselves; they called for the celebration of the triumph of a mob, and had themselves to thank for the effects.<sup>3</sup> The pamphlets and papers they had and were distributing, he did not consider merely as libels on the Constitution, but as calculated to overturn every principle on which the happiness and prosperity of Great-Britain rested. What he knew of these men, Mr. Burke said, he knew from their actions, and he would prove, indisputably, by their own authority; the existence of a plot in this Country to destroy its Constitution; he would prove, that the meeting to which he alluded, had a connection with another, the Revolution Society; he would show that the Revolution Society had a connection with cabals and dangerous clubs in foreign countries, calculated to overturn the Constitution of this Country—a Constitution which the clubs in France had expressed their admiration of in many parts, but which admiration the clubs in England had endeavoured to do away, by representing the Royal prerogative, as not to be borne, the Lords as servile, the Clergy as intolerant, and the Commons as corrupt. The Unitarians and the Revolutionaries had in their correspondence with the *Jacobin Club* and with the body calling itself the National Assembly expressed a hope that England would be governed by the *transcendant* government of France, which was held up by Dr. Priestley and his friends, as worthy the imitation of the people of Great-Britain.<sup>4</sup> If France was a country possessing civil and religious liberty, if she was in possession of order and general prosperity,

<sup>1</sup> See above, p. 483, n. 1.

<sup>2</sup> Kippis proposed a celebration on the next 14th of July of an event 'which had rescued so many millions of their fellow creatures from bondage'. Towers seconded his motion and 'it was generally declared by the company that they would assist in the celebration'. Although he had presided over the meeting, Priestley found its proceedings hard to defend. He insisted that the Unitarian Society had 'no political object whatever'. The toasts had been 'quite an accidental thing', suggested by 'some strangers', and the practice would not be repeated (*An Appeal to the Public, Part II*, p. ix).

<sup>3</sup> Burke is referring to the riots at Birmingham in July 1791, see below, p. 510.

<sup>4</sup> Burke seems to have been quoting from a particularly flowery address in praise of the French constitution sent on 19 February 1792 by the Revolution Society to the Society of the Friends of the Constitution at Saintes. In it the Revolution Society expressed their gratitude for the 'transcendent testimony of marked esteem and attention' sent to them (*Correspondence of the Revolution Society*, pp. 197–8).

though an enemy to those who looked about in foreign countries for principles on which to propose reforms in their own, Mr. Burke declared, he should be inclined to excuse their zeal; but he wished the House to look to the state of France, to see whether it answered the description given by the Doctor and his friends. For his own part he knew not of a single act of the National Assembly from the first moment of its sitting to the present, with respect to religion, that was not marked with a spirit of the most horrible persecution. The greatest part of the nation were driven to poverty, to wretchedness, to famine, and to death, for their religious tenets; yet this was the country held up for an example by those who now called on Parliament for Toleration!<sup>1</sup> The chief ground on which the Right Honourable Gentleman's proposition had been rested, was that of the violence committed at Birmingham;<sup>2</sup> that violence no man reprobated more than himself;<sup>3</sup> but into that violence search had been made. Punishment had been inflicted, and restitution had been given to those who had sustained injury.<sup>4</sup> So much therefore was to be advanced in favour of this country of bigotry and persecution; and it was also to be remembered, that the troops sent to protect the people did not cut their throats; but in the country adored for its transcendancy of government, for its possession of liberty, and for its much to be envied constitution, outrages ten thousand times greater had been committed, into which no enquiry had taken place, for which no punishment had been inflicted, and for which no restitution had been made! The riots in Birmingham, on which so much had been depended, it had been said, had not arisen from Dr. Priestley's religious opinion, that Gentleman had lived in Birmingham for twenty years, and had, as he himself stated, taught his Unitarian principles with success and pleasure. For what cause then, Mr. Burke desired to ask, did the riots arise? the question might be answered by the Doctor himself, whose conscience would inform him: they had their origin in his political principles, from the observation made by the whole country of his proceedings in the Chair at the King's Head meeting; in his recommending to the people of England

<sup>1</sup> By Fox on 6 May 1791, see above, p. 348, n. 5.

<sup>2</sup> In riots at Birmingham, set off on 14 July 1791 by a dinner to celebrate the fall of the Bastille, Dissenting meeting-houses had been singled out for destruction and Priestley's house and laboratory were ransacked. Fox argued that Priestley had been 'under persecution for the religious tenets he held'.

<sup>3</sup> Burke complained that 'This affair at Birmingham which frightened [the Dissenters] at first now fortifies them. They come forth as persecuted men. They all, as fast as they can meet, take up Priestley and avowedly set him up as their head' (*Corr.* vii. 119).

<sup>4</sup> It was widely alleged that many known rioters had escaped being brought to trial and that the compensation of £30,000 was inadequate for the losses incurred.

a commemoration of the French Revolution:<sup>1</sup> a commemoration of a rebellion, cruel, bloody, unprovoked; of a revolution that would for ever remain a foul blot on the character and humanity of France, a Revolution commenced by an hired army, and a mob seizing their lawful prince when at the head of the States of his Empire, convened for the purpose of remedying the grievances of the country—

John Harrison<sup>2</sup> called Burke to order for speaking on the French Revolution which was not related to the question before the House. The Speaker ruled that Burke was in order.

Mr. *Burke* proceeded, he noticed the attack on the Bastile, defended alone by 96 invalids; and dwelt for some time on the subsequent murders: such a Revolution, he said, none but wicked or mistaken men would celebrate. If they considered it as an event auspicious to freedom, was there no other auspicious day to freedom, that they could discover for a celebration? No anniversary of the Revolution in this country, no Magna Charta to be remembered? Could they discover no other day of Revolution fit to be celebrated.<sup>3</sup> But that marked by blood, by rebellion, by perfidy, by murder and by *Cannibalism*!

[A cry of *hear! hear!* from the opposition Bench.]

Gentlemen, Mr. Burke said, might call out *hear! hear!* as long as they thought proper; he had asserted no more than he could prove; he would again assert *Cannibalism*, for he had documents to prove that the French Cannibals, after having torne out the hearts of those they had murdered, squeezed the blood out of them into their wine and drank it:<sup>4</sup> an event giving rise to such enormities, was no event fit to be celebrated by Britons;

<sup>1</sup> Burke's response to the riots drove another wedge between him and his former colleagues. Fox replied later in the debate that 'He had never before heard the Birmingham riots defended'. On 21 May the Whig opposition moved for an inquiry into the Birmingham riots, which they attributed to Anglican vindictiveness against Dissent, connived in by the local magistrates. All rejected Burke's argument that the Dissenters had suffered for their political rather than their religious beliefs. Even William Windham complained that there was 'a disposition to run [Dissenters] down by violence and to shut them out from justice' (*Parl. Reg.*, xxxiii. 81). If Burke attended the debate, there is no record of his having spoken.

<sup>2</sup> (1738–1811).

<sup>3</sup> In a draft Burke wrote: 'It was the *Power of arbitrary imprisonment*, and not the stones of any old Prison used by arbitrary power that it was glorious to demolish. That power was demolished before The Castle called Bastille or little Castle was attacked on the infamous 14 July. On that day the Bastile was a fortress to preserve life rather than a prison to destroy Liberty. Its demolition destroyed the security of both. And in the Issue happy would it have been if it had stood a place of refuge for hunted and persecuted' (MS. at Sheffield, Bk. 10. 16).

<sup>4</sup> Burke was to elaborate on his charges of cannibalism during the Revolution in his *First Letter on a Regicide Peace*, see vol. ix, pp. 245–6.



such a celebration was the celebration of the brutal victories of a mob and was calculated alone to excite mischief by raising a mob to follow the same savage example, in this country. To that excited mischief, and not to his Unitarian principles, had the Doctor to attribute his subsequent sufferings, for he could safely declare that he did not believe a single man at Birmingham, who made part of the mob, knew, or thought about the 9th and 10th of William and Mary! or any other Penal Statutes against the professors of particular religious tenets. Religious persecution did not at present exist in this country; but in that held up for our example, it did with the greatest violence; what he was about to state, Mr. Burke said, he should state on the authority of the Minister of the interior of France; by his authority it appeared that fifty persons were now in prison at Brest for their religion, that sixty were driven for shelter to Jersey, and even more to London; from the same authority, Mr. Burke said, he could also state that out of 83 departments, into which France was divided, 43 were in a state of the utmost horror by persecutions which ravaged and laid waste the whole land:<sup>1</sup> but it might be said that this was the fault of the old religion, and he did not doubt that it might be seriously imputed to the former French Establishment, for in these modern times, when Gentlemen were illuminated by French lights, they discovered new meanings for old words; they had formed a new vocabulary, in which the overturning of antient establishments was described in the word "Reformation,"—and the opposition to dangerous novelties was stigmatised by the epithet "Persecution." From the authorities of the French Ministers of State, he declared, he could prove that France by her Revolution, had her commerce undone, that universal anarchy prevailed, that she was in a state of beggary, that she had lost all discipline in her army, that her navy was abandoned by its officers, that the timber in her dock-yards was pillaged, that her government was assumed by flagitious clubs;<sup>2</sup> in fact, that the 14th July had taken away from her all religion, all order and discipline, all commerce and happiness; it had given rise to a complication of vices and unheard of

<sup>1</sup> On 24 April 1794 Roland, the Minister of the Interior, reported to the Legislative Assembly that a 'fermentation universelle' throughout much of France was being caused by attempts to enforce the Civil Constitution of the Clergy against the 'refractory' clergy who refused to subscribe to it. His conclusion was that the religious toleration guaranteed in the new constitution could not be extended to them. They had to be coerced by force (*Ancien Moniteur*, xii. 200–2). A copy of a translation of part his report is in MS. at Sheffield, Bk. 10. 48.

<sup>2</sup> Burke is citing the report of the Committee of Twelve of 28 April 1792, see above, p. 495, n. 5.

enormities. With these men, emissaries from the Unitarian and Revolution Societies, had intercourse; they had taken over the colours of the British nation,<sup>1</sup> and had disgraced and insulted them in the celebration of the triumphs of murderers, and of the most notorious of villains. Mr. Burke entered into the details of the murders committed by Jourdain, called *Coup-tête*, and his gang, at Avignon, all of which, he said, had been suffered to pass unpunished.<sup>2</sup> He stated also the conduct of the Assembly in releasing those mutinous soldiers from the galleys, and granting them a triumph, who had been condemned for firing on and killing the General of the National Guards.<sup>3</sup> Notwithstanding all these known facts, France, he observed, was held up by the Unitarians, and by the Revolutionists, as an example worthy of the imitation of this country. But would the House give them their countenance, when they were going on evidently in a design to overturn the Church, the State, and the Constitution, and to erect in its stead the *glorious fabric of France*?<sup>4</sup> If men came forward and could shew their grievances, relieve them; but give no countenance to such men as these, who hold up and applaud those, who have put a stop to all education, as the French have done, in their suppression of schools,<sup>5</sup> and who, as they have suppressed all religion, are proceeding to do away all morality, by having already made marriage a civil contract, to be dissolved like all other contracts.<sup>6</sup> The National Assembly, having destroyed all manliness in men, he said, had recently taken a measure to subvert all decency in women; they had admitted a woman to come to their bar as a mother without being a wife, claiming for her bastards the rights of legitimacy; this woman, instead of having been ordered to be given to the Beadle, to be scourged from the bar for her audacity, had been applauded and her request complied with; thus had the Assembly given public sanction to

<sup>1</sup> Deputies from the Manchester Constitutional Society had carried colours at the fête on 15 April 1792, see below, pp. 569–70.

<sup>2</sup> Mathieu Jouve Jordan (1746–94), nicknamed Coupe Tête, took a leading role in the massacre at the Tour de la Glacière in the Papal Palace at Avignon on 16–17 October 1791.

<sup>3</sup> The garrison at Nancy mutinied in August 1790. In the affray a junior officer in a loyal regiment was killed. Punishment of the mutineers included sentencing thirty to the galleys. They were released by order of the Legislative Assembly on 15 April 1792 and granted a civic fête.

<sup>4</sup> Quoting Fox, see above, p. 348, n. 3.

<sup>5</sup> Developments since 1789, especially the loss of clerical teachers who refused to take the civic oath, had seriously damaged French education, but there had been no systematic closing of schools and the new order had certainly not ‘put a stop to all education’.

<sup>6</sup> Article VII of the new French constitution had declared that marriage was to be treated by law as a civil contract. The Legislative Assembly had been discussing proposals to implement this. Decrees facilitating divorce were under consideration.

debauchery.<sup>1</sup> Soon after this, the lowest class of the women went in a body to the Assembly to solicit to be armed and officered. At this request, the National Guard shrank back, and the Assembly thought it prudent to refuse the requisition; the women, however, had armed themselves with the most murderous weapons to fight the National Guards, and had incorporated themselves with a body of pikemen, who were to act as a check on the National Guards, the guards of the Assembly itself! This Body the Assembly had not thought prudent or had not dared to separate and disarm; but on the contrary they had suffered this banditti of murderers to pass through their hall with plaudits:<sup>2</sup> Was this the government held out for the imitation of England, a government in which every vice that could be named was encouraged, a government from which every honest man must shrink with horror! He, for one, and he hoped and trusted the majority of the nation was determined to act in the same manner, was determined to spend his last breath, and shed the last drop of his poor blood, if necessary, to prevent such an example being imitated by this country. He was desirous of seeing civil and religious liberty maintained; he was desirous of a constitution of order; he wished to have some religion preserved; he did not desire to see officers massacred by their troops; he was not anxious for having schools destroyed, and everything tending to morality annihilated: He wished to leave to his children those blessings that had been handed down to him by his ancestors; to leave them laws, religion, morality, discipline and subordination in an army; manliness in their men, and chastity in their women. For these reasons, Mr. Burke said, he objected to going into the proposed Committee,<sup>3</sup> at the requisition of such men as the petitioners; on the acts themselves, he declared that he would not advance a syllable; whether the statutes ought or ought not to be expunged at another time out of the Book, was another question; but when such a description of men came forward to desire it, he would refuse it; wisdom says, that what is wise at one time, is unwise at another. Therefore for the reasons he had stated, he should give his negative to the motion.

<sup>1</sup> At least two London newspapers, the *Diary* and *The Times*, both of 30 March 1792, had carried brief accounts of Madame Gravel, an unmarried woman, asking the Legislative Assembly that her child rather than her relatives should inherit her property. The Convention was to decree that illegitimate children should have the same rights of inheritance as legitimate ones (vol. ix, p. 244, n. 1). Burke was to denounce what he saw as the desecration of marriage and 'the horrible consequences of taking one half of the species wholly out of the guardianship of the other' in the *First Letter on a Regicide Peace*; vol. ix, pp. 243–5.

<sup>2</sup> Accounts of a body of women appearing before the Legislative Assembly on 6 March 1792 to demand the right to bear arms as a military force had attracted the attention and ridicule of the London press, e.g. *Diary and World*, 15 Mar. 1792.

<sup>3</sup> Fox had moved that his bill should be referred to a Committee of the Whole House.

Burke was answered in detail by William Smith.<sup>1</sup> He insisted that the Unitarian Society, of which he was a member, had never 'entertained for a moment' plans 'for the overthrow and subversion of the constitution and government of the country'. He objected to Unitarians being called 'a sect, which had never before been heard of'.

Mr. *Burke* rose in explanation. He offered to substantiate what he had said, and declared, that he deemed it unhandsome in the Honourable Gentleman to charge him with misrepresentation.

Later in the debate Fox said that he had not expected to hear both Pitt and Burke declaring themselves 'enemies to toleration'. 'With respect to Paine's Book, Mr. Fox observed, it was a libel, but not an infamous one; it was a libel on the Constitution of Great-Britain, the Right Honourable Gentleman's book was a libel on every free Constitution in the world.' He was 'a firm friend to religious establishments' but also completely committed to religious toleration. While he was speaking 'Mr. BURKE starting up from the Bench, on which he was sitting, and walking hastily across the floor, sat down by Mr. PITT, by which the House was thrown into the most violent laughter'.<sup>2</sup>

Mr. *Burke* rose to reply to Mr. Fox's mention of his book being a libel against all free governments.<sup>3</sup>

Fox's motion was lost by 142 votes to 63. A leading Unitarian comforted himself that 'notwithstanding Mr. Burke's ravings against unitarians, the doctrine itself was creditable to the house of Commons'.<sup>4</sup> Little seems to have been said against Unitarian beliefs, but their expectations of support for their petition proved unrealistic. In a climate of increasing alarm—a proclamation against Seditious Writings was issued on 21 May—<sup>5</sup> ministers and uncommitted M.P.s had not deemed it safe to make concessions on the scale that Fox's motion required. 'Mr. Pitt conceived, that with respect to the repeal of the Statutes in question, or the permitting them to remain as they had hitherto continued, that the danger was all on one side, and no inconvenience was to be apprehended on the other.'<sup>6</sup> He therefore voted against the motion.

<sup>1</sup> See above, p. 313, n. 2.

<sup>2</sup> *Gazetteer*, 12 May 1792.

<sup>3</sup> 'Mr. Burke rose, and was proceeding to treat Mr. Fox with much personality, asserting that he had uttered an angry invective without wit or ingenuity, when he was called to order by the universal cry of the House' (ibid.).

<sup>4</sup> G. M. Ditchfield, ed., *The Letters of Theophilus Lindsey*, 2 vols., Woodbridge, 2007–12, ii. 190.

<sup>5</sup> Burke drafted a set of notes about the Proclamation, perhaps for the debate on it on 25 May, at which he did not speak, or for the Duke of Portland, who was shown the Proclamation in advance. He thought that the danger fully justified the measure. In his notes he went over again much of the ground that he had covered in this speech. 'It is plain that the dissenters not satisfied with equality affect *Mastery*.' They were not being subjected to a 'religious persecution—but of this they may be assured that so long as, directly or indirectly, they keep up a connexion and correspondence with the atheistical, murderous and blood thirsty cannibal cabals of France, so long will they be feared detested abhorred by their Country men' (MS. at Sheffield, Bk. 10. 10).

<sup>6</sup> *Diary*, 12 May 1792.



## Speech on Address 14 December 1792

Source: *Parl. Reg.*, xxxiv. 82–7, 88; *Diary*, 15 December 1792.

Burke's speeches on 13 and 14 December were judged to have been reported 'most imperfectly' in the press (*Corr.* vii. 323). For the main speech of 14 December, the *Parl. Reg.* joined together two newspaper reports and added some further material. The first part of its version consisted of the account which appeared in the *Oracle*, 15 December 1792 and was reprinted in *Debates in both Houses of Parliament on Thursday 13th, Friday 14th and Saturday 15th December 1792 on the King's Speech . . .*, London, 1792, pp. 81–6, 86–7, and in *Parl. Hist.*, xxx. 68–74. Most of the concluding parts of the speech was taken from the report in the *Diary*, 15 December 1792, which is the fullest source for Burke's second intervention. Significant additional material is contained in the account of the debate in *Gazetteer*, 15 December 1792.

Tumultuous events in France in the summer and autumn of 1792 had profound repercussions in Britain. From April 1792 revolutionary France was at war with two major European powers, Austria and Prussia, whose invading armies were beaten back, allowing French forces to cross their borders and to 'liberate' territories of which the Austrian Netherlands (modern Belgium), were the most significant. There seemed to be a dire threat to Britain's ally, the Dutch Republic. Meanwhile in France, the constitutional monarchy established in 1791 was overthrown. The Tuileries palace was stormed in August 1792 and the King was seized. There was much bloodshed. A republic was proclaimed in September and a National Convention assumed both legislative and executive powers. In December 1792 Louis XVI was put on trial for his life.

The British government faced stark problems in trying to contain French territorial expansion and what seemed to be the threat of French-inspired subversion in Britain itself. Its policy was to endeavour to maintain neutrality in Europe for as long as possible, while taking powers to curb sedition at home and making efforts to rally behind it the support of as much political opinion as possible, including that of the opposition Whigs. Parts of the militia were to be called out and a bill was to be introduced to control aliens. Attempts to bring some Whigs into the government failed, but the conservative elements in the party's leadership did not oppose the government's measures.

Burke's assessment of the situation was gloomy, as he showed in a long letter to Lord Fitzwilliam on 29 November. It was essential, he wrote, that Britain should take the lead in Europe and abandon what he called the 'cruel neutrality' which the government had been pursuing and against which he had protested in a long memorandum to ministers, *Heads for Consideration on the Present State of Affairs*.<sup>1</sup> He was not as yet particularly apprehensive about 'the growth of this contagion within our walls, as a meer domestick Evil . . . ; But combined with the foreign forces—there—there is the danger.' There must be an end to 'divisions in Parliament'. Everything that he was hearing about his views, however, indicated that this would not be possible so far as Fox was concerned.<sup>2</sup> Such forebodings were amply fulfilled in the debate on the Address of thanks for the King's Speech on 13 December. In what one of Burke's friends described as 'the most dangerous speech that was ever uttered in parliament',<sup>3</sup> Fox proclaimed his total opposition to both the government's foreign and its domestic policy. Britain should not ally with the 'despotic' powers, Prussia and Austria, but should recognize the French Republic and try to negotiate with it. Reform, including reform of Parliament, was the way to disarm disaffection at

<sup>1</sup> Vol. viii, 386–402.

<sup>2</sup> *Corr.* vii. 306–18.

<sup>3</sup> *Corr.* vii. 323.

home. Burke spoke later in the debate, calling for unity in the face of French military power 'if we would not have Europe gone from us'.<sup>1</sup> Fox's amendments to the Address were rejected, but he announced that he would move further amendments on the following day, the 14th. Then after a long speech, he moved that the King be entreated 'to employ every means of honourable negotiation' to avoid a war with France. The motion was seconded by Sheridan. In reply Burke delivered a speech that lasted two hours and, according to one reporter, was marked by 'unusual temper and moderation'. It was said to have made 'a very strong impression on the House'.<sup>2</sup>

Mr. BURKE, considering it as admitted that France must not be permitted to open the Scheldt,<sup>3</sup> and that she must also be either induced by negotiation, or compelled by arms, to restore the conquests she had made, thought it a very extraordinary way of effecting either purpose, to represent our internal situation as rotten,<sup>4</sup> and our allies not to be depended on.<sup>5</sup> With regard to our internal situation, he esteemed it far from being rotten, though the constitution was certainly assailed by persons whose activity, if not checked in time, may be likely to endanger it. As to the fidelity of our allies, if it was not now to be relied on, surely Mr. Fox did not take the best mode of confirming it, by acknowledging the sovereignty, and entering into negotiations with the new Republic of France, their most inveterate enemy. But supposing the policy of such negotiation, were we sure that the French would come to any reasonable terms with us? And yet this was the contingency for which we were to renounce our present friends, the ancient and established governments in Europe. This would indeed be reducing ourselves to a curious dilemma, and leaving ourselves entirely at the mercy of France, from which, if any ever expected mercy, they were sure to be disappointed. This abominable Government had not yet been recognised by any other power. And what was the peculiar time when we were desired to address an Ambassador to them?<sup>6</sup> At the very moment, perhaps, when the merciless savages had their hands red with the blood of a murdered Sovereign;<sup>7</sup> thus giving sanction to an act which barbarians

<sup>1</sup> *Parl. Reg.*, xxxiv. 65–9. MS. at Sheffield, Bk. 10. 71 seems to be material relating to this speech.

<sup>2</sup> *World*, 15 Dec. 1792.

<sup>3</sup> On 16 November 1792, the French, whose forces had occupied Antwerp, had declared the Scheldt open to all shipping. This violated treaty stipulations dating back to 1648, which had been reaffirmed in the Anglo-Dutch alliance of 1788. 'If the navigation of the Scheldt was deemed necessary for the trade of Brabant,' Fox had asked, 'what interest had we to say no'.

<sup>4</sup> Fox had said that 'the State of Great Britain, which if truly represented by those, who said, that the lowest classes were discontented, was not such as ought to encourage a Minister to go to war'.

<sup>5</sup> Fox had argued that Britain ought to have taken action to prevent Austria and Prussia from invading France. Had they succeeded, it would have been 'of great injury to England and to other States'.

<sup>6</sup> The British ambassador had left Paris on 27 August.

<sup>7</sup> Louis XVI had been put on trial on 11 December and there were calls for his execution.

would condemn, giving currency to the crime of regicide, and affording a preliminary to the murder of our own Sovereign.

At present it was only decreed that France was a republic,<sup>1</sup> but of what kind had not been yet certainly determined, nor could any conjecture be formed on it. If he had any merit at all, it was in having read industriously and attentively, and of course the origin and composition of republics had not escaped him. It was observed, that all dogs went by the same name, though no species of animals contained a greater diversity.—Thus it may be said of republics. Those of Holland, Venice, Genoa, &c. &c. differ widely in their Governments, yet they were such as Ambassadors may be sent to; for they were not regicidal republics, nor republics of confraternity with the seditious and disaffected in every state. France stood alone in the list of republics, and was the only one since the creation that maintained fundamental principles of universal union, seduction and confraternity.<sup>2</sup> To some it appeared a Government of universal conquest, to others of universal anarchy, but to all of universal influence and sway. It bore no resemblance whatever to any of its contemporaries or predecessors—“*Jam nova pestis adest*,”<sup>3</sup> and Mr. Fox, in comparing it to other republics, was in the situation of a Law Serjeant, who pleading in one of the Courts, was told by the Judge, “Brother, your case does not apply;” to which the Serjeant answered, “I know that, my Lord, and I wish to Heaven it did.”

It had for some time been the fashion in the House to quote him as an author, from a book he wrote upon the revolution in France;<sup>4</sup> and in doing so this evening, Mr. Fox fell into a practice that has been pursued before him by Mr. Mackintosh,<sup>5</sup> and other writers of less eminence—namely, taking a detached passage without explaining it by what followed or went before it. The practical form of a free Government, as quoted, did not express fully his ideas of liberty. Definitions may and had often been given, but it perhaps would be better expressed by a description. What he meant then by liberty was, that he should be suffered to enjoy life as long as the Almighty permitted him—that his person should be free while he conformed to the laws—that he should not be disturbed in the exercise of

<sup>1</sup> France had been declared a republic on 22 September 1792.

<sup>2</sup> By the Convention's decree of 19 November, see below, p. 521, n. 3.

<sup>3</sup> Now a new evil is at hand; Ovid, *Metamorphoses*, ix. 200.

<sup>4</sup> Fox had quoted a passage from Burke to the effect that ‘That a free government for all practical purposes is what people consider as such’. In his *Letter to the Sheriffs of Bristol* Burke had written: ‘If any ask me what a free Government is? I answer, that, for any practical purpose, it is what the people think so’ (vol. iii, p. 317). In the *Reflections*, Burke wrote that to form ‘a free government’ was ‘to temper together those opposite elements of liberty and restraint in one consistent work’ (vol. viii, p. 291).

<sup>5</sup> James Mackintosh in his *Vindiciae Gallicae* of 1791.

his religion—and that he should be left at the full enjoyment and disposal of his property, whether inherited or acquired by his industry. If he was protected in the free exercise of all these, as was the case in England, he must think himself in the possession of rational freedom; and this, though not a definition, was at least an inventory of freedom. The Rights of Man, however, were not confined to this; but were founded upon plausible deductions and metaphysical abstractions—true in some parts, and equally false in others. They were like the neck of a drake, blue on one side and black on the other. When the knowledge of these rights was diffused amongst the multitude, he could not but tremble for the consequence; nor indeed could he hear without emotions of horror, the application made of them to property in frequent discussions on the French revolution. It was this kind of application which caused most of the horrors of the French revolution.—He perceived that the House not only approved his sentiments on this subject, but received them with acclamations; yet he could not augur the same success, if he went to preach those doctrines to a beggar. Were he to say to a man, “I have a good house, excellent cattle, fine furniture, pictures, tapestry, laces, plate, and delicious fare, but—you want your dinner;” he was apprehensive that he should find some difficulty in convincing him, that the superfluities recounted ought not to be employed in the relief of his necessities. The times would be truly alarming indeed, when these French notions should prevail in this country, and property suffer the same transfer that it had done in that miserable nation.

On this idea of equality contained in the French system of the Rights of Man may it be accounted for, that in the last and present National Assemblies was not to be found a man worth a single shilling; or if there should be two or three exceptions, they only proved his rule.<sup>1</sup> In frequent conversations with persons of discernment, he heard it argued, that a Government formed of such fellows could have no energy.—He on the contrary was of a different opinion, and attributed to that indigent<sup>2</sup> condition of their rulers, the successes lately obtained by the French, and the vigour of their proceedings. He appealed to the House, whether their reluctance to a war did not proceed in some degree from the care they had for the preservation of their riches. The Legislators of France, on the contrary, having nothing to lose, so they have little to fear, and had no objection to go to war with the whole world.—When the King of Prussia

<sup>1</sup> For Burke's analysis of the membership of the 1791 Legislative Assembly, see above, p. 485, n. 1.

<sup>2</sup> 'indgnent' in original.



was marching to Paris they were little concerned, and were preparing to escape with the treasures of which they had plundered the people. When threatened with an English war the cry was nearly the same: "Let them come on, said they; they have riches and commerce, and we have neither: we may gain something, and can lose nothing." Such were the men who had the power of levying what taxes they pleased upon the people, and of converting the produce to what purposes they pleased.

The extravagance of Anacharsis Cloots, in wishing to embrace China, Quebec, Bulam,<sup>1</sup> and in short all the world, in the confraternity of France, was not peculiar to him, but was also entertained by all the Members of the Assembly. This Cloots, he said, was an old<sup>2</sup> acquaintance and correspondent of his, being very respectably introduced to him, and had no small share in producing the French revolution.<sup>3</sup> He was a Prussian by birth, highly conversant in every branch of literature, and much better qualified to act the part of a philosopher than John Frost as a deputy from the people of Great Britain.<sup>4</sup> In June 1790 this man appeared at the bar of the National Assembly, accompanied by men of all nations, Asiatic, African, and European, of which latter the English made no inconsiderable part. There, as orator of the human race, he invoked for them all the protection and confraternity of France; and this happened on the very day when the Assembly demolished, by a decree, the nobility of France.<sup>5</sup>

<sup>6</sup>The French republic was *sui generis*, and bore no analogy to any other which ever existed in the world. It therefore did not follow that we ought to

<sup>1</sup> Reports were appearing in the press about the arrival in July 1792 of two ships taking British emigrants to found a new settlement on the island of 'Bulam' (Boloma) off the coast of Guinea-Bissau in West Africa (see, for instance, *Gazetteer*, 17 and 19 Nov. 1792).

<sup>2</sup> 'hold' in original.

<sup>3</sup> Fox had recalled to Burke's memory his 'old friend ANACHARSIS CLOOTS'. For Cloots's appearance before the National Assembly as Ambassador for the Human Race on 19 June 1790 and for his contacts with Burke, see above, p. 335, n. 2.

<sup>4</sup> John Frost (1750–1843) had gone to Paris as a delegate from the Society for Constitutional Information to present the Society's congratulations to the Convention and to make a 'patriotic gift' of a thousand pairs of shoes 'to the soldiers of liberty'. Burke had read out an account of the delegates' reception on 28 November 1792 from the *Moniteur* in his speech on the previous day. The Society's address was one of at least twelve such messages from British bodies to the Convention pledging solidarity with the French in resisting Austrian and Prussian 'despotism' and hoping for close Anglo-French relations (Goodwin, *Friends of Liberty*, pp. 240–59, 507–12). Burke took a very serious view of such contacts. 'He would affirm', he had said in the previous day's debate, 'that there was a faction in this country, who wished to submit it to France, in order that our Government might be reformed upon the French system. He would likewise affirm, that the French cherished views upon this country; that they encouraged this faction, and were disposed to aid them in their views of overturning our constitution' (*Parl. Reg.*, xxxiv. 67). He was frequently to return to this theme.

<sup>5</sup> Hereditary titles of nobility were abolished on 19 June 1790.

<sup>6</sup> The version drawn from the *Diary* begins at this point.

recognise it, merely because different powers in Europe had recognized the Republic of England under Oliver Cromwell.<sup>1</sup> England at that time did not attempt to turn all the states of Christendom into republics; it did not wage war with sovereigns; it professed no principle of proselytism; and therefore, whatever neighbouring nations might have to expect at that time from her friendship, they had nothing to fear for the existence of Thrones. The same might be said of America.<sup>2</sup> But France wanted to make proselytes to her opinions, and turn every Government in the world into a republic. If every Government was against her, it was because she had declared herself hostile to every Government. He knew of nothing to which this strange republic could be compared, but to the system of Mahomet, who with the Koran in one hand, and a sword in the other, held out the former to the acceptance of mankind, and with the latter compelled them to adopt it as their creed. The Koran which France held out, was the declaration of the Rights of Man, and universal fraternity; and with the sword she was determined to propagate her doctrines, and conquer those whom she could not convince. He by no means wished to hurry the nation into a war. He wanted to make the people see that France had really declared war against them, and that the two States might be considered as actually engaged in it. France had passed a variety of decrees, every one of which might fairly be considered as a declaration of war against every Government. She had resolved to wage an eternal war against Kings and kingly Government;<sup>3</sup> and she had actually received Englishmen at the bar of the convention, whom, in contempt of the King and Parliament, she professed to consider as the representatives of the people of England.<sup>4</sup> Was this no provocation? Was this no attack upon the Government of Great Britain? He entreated gentlemen, who were disposed to countenance new doctrines in England, to take warning by the fate of the virtuous Duke de la Rochefoucault.<sup>5</sup> That nobleman, of antient lineage, and princely fortune, who was adorned by every virtue, was seduced by the arts of

<sup>1</sup> Fox had said that 'All the powers in Europe courted the alliance of England after the execution of Charles the 1st, a Prince who certainly deserved death, if he deserved it at all, more than Louis XVI; they all detested the act, yet they sent ambassadors to Cromwell.'

<sup>2</sup> 'England', Fox said, 'had been obliged to acknowledge the sovereignty and independence of the United States of America.'

<sup>3</sup> A decree of the Convention of 19 November 1792 promised fraternity and help to all peoples who wished to recover their liberty. French generals were to be ordered to give this help.

<sup>4</sup> The Convention had received deputations from the Society for Constitutional Information (see above, p. 520, n. 4) and from British and Irish residents in Paris (see below, p. 556, n. 1).

<sup>5</sup> Louis-Alexandre de la Rochefoucauld, Duc d'Enville (1743–92), scientist and supporter of the early stages of the Revolution.

Condorcet to countenance the revolution. He was vested with a high office of Magistracy, under the new constitution; and because he was not disposed to go all the lengths of the wicked men who found means to raise themselves to power, he was obliged to fly for his life; he was pursued, and, in the midst of his own tenants, who had experienced the bounty and munificence of his family, was forced from his carriage, from between his mother and his wife, and in their presence inhumanly butchered. To all the well-meaning advocates for new doctrines, he would hold up the bleeding head of the Duke de la Rochefoucault, whom all his virtues could not rescue from the hands of murderers, who feared neither God nor man.

Perish the heart that never learn'd to glow  
At others good, or melt at others woe—<sup>1</sup>

Mr. Burke next touched upon Ireland. He said he was attached to that country, because it had given him birth; to England he was bound by the strongest ties of gratitude and love: and should so great a calamity ever happen as a dispute between the two countries, it was with the latter, which was the country of his adoption, that he would take part. But he feared no such event; the wisdom of the Parliament of Ireland would point out the necessity of freeing a great majority of that kingdom from grievances under which they were made to labour, not only without any good to the country, but to its general detriment. In the province of Ulster, he said, the people were chiefly descendants of Scotch and English colonists; they were for the most part Protestants, it was true, but at the same time they were Dissenters.<sup>2</sup> In two counties there they were superior in numbers to the Catholics; but in the other provinces, the latter were ten to one. Upon an average of the whole, the Catholics were at least four fifths of the nation. They were now come forward to demand, not an innovation in the constitution, but a restoration of it; the removal of an innovation.<sup>3</sup> They called for a repeal of two acts of Parliament, one of which passed in the beginning

<sup>1</sup> 'So perish all, whose breast n'er learn'd to glow / For others' good, or melt at others' woe'; Pope, 'Elegy to the Memory of an Unfortunate Lady', 45–6. The version in *Debates*, p. 86 added the previous couplet: 'Thus unlamented pass the proud away, / The gaze of fools and pageant of a day.'

<sup>2</sup> The majority were Presbyterians.

<sup>3</sup> Fox had spoken of the dangerous situation in Ireland, where the Catholic majority lived 'in a state of slavery'. It was therefore likely that they 'would be friends to those who would restore them to liberty'. His fears were shared by ministers. Burke, however, felt bound to refute them, since he saw exaggerated fears of Catholic disaffection as a pretext to refuse reasonable concessions to them. He cited the moderation of the Catholic Committee, for whom his son Richard was acting as London agent, in seeking reforms by lobbying ministers, petitioning the Irish Parliament, and addressing the King.

of the late reign, which deprived them of the right of voting for members of Parliament, which they had enjoyed up to that period;<sup>1</sup> the other in the preceding reign, which deprived them of the right of serving upon juries.<sup>2</sup> These people proceeded in the best possible way to their emancipation, by petitions, and by degrees; they did not ground their demands on the Rights of Man; if they did, he would certainly resist them; but simply on the right which they had, as citizens, to share in the blessings of the existing constitution of their country; and in that light their claims appeared to be so well founded as to be irresistible.<sup>3</sup>

Fox immediately replied. He rejected Burke's charge that he 'admired and applauded the French constitution as worthy of imitation' and asserted yet again that he did not 'wish to see republicanism in this country'. He seemed to be implying that Burke made such accusations in order to make him appear disloyal 'to his sovereign'.

Mr. *Burke* replied that the charge was as false as it was foul; he had not said, or implied disloyalty to the Right Honourable Gentleman, but had asserted what he was convinced of, viz. That if the measure proposed by that Right Honourable Gentleman should be adopted, its effects would lead ultimately to the destruction of the King.

At the end of the debate, the amendment was rejected and the Address passed without a division.

<sup>1</sup> In 1728 it had been enacted that 'no papist . . . shall be intitled or admitted to vote at the election of any member of Parliament' (1 Geo. II, c. 9).

<sup>2</sup> A number of acts restricted Catholics' rights to serve on juries. They were not permitted to be jurors in cases involving Catholics and Protestants or in cases concerning the application of the penal laws. They could only serve on a grand jury when 'a sufficiency of Protestants' was not available (*Petition of the Catholics of Ireland*, Dublin, 1793, pp. 6, 24–6).

<sup>3</sup> All other newspaper accounts appear to have concluded with Burke's comments on Ireland, but the *Gazetteer*, 15 Dec. 1792, has a striking additional theme:

'He then proceeded to the term *Equality*.—The introduction of that word was dangerous, and might be productive of fatal effects on weak minds; because, if a person of weak mind took it into his head that he was entitled to an equal participation of property, what would be the fatal consequence; the spur to industry would be blunted, and nothing but confusion would ensue. No, he would have it impressed upon every man's mind, he would have it taught in the Sunday Schools, rest content in that situation in which God has placed you; do your duty as a good subject, and your industry will not fail to meet its due reward.

The equality of property was never intended by God or nature, or by the laws of society.

Before he sat down, he would once more repeat his most ardent wish, that this country should hold no communication with France as France stood at present: he did not mean the Geography of it, but as to its ruling powers, this event, which was imprinted in the bottom of his heart, should flow out with his blood and breath. It would affect him, even in those moments to think that this country should hold any connexion with a sort of wretches that disgraced the name of man, even in the lowest state of nature, whose hands were dyed in blood, and whose names ought to be blotted out of the catalogue of humanity.'



## Speech on Fox's Motion to Treat with France 15 December 1792

Source: *Oracle*, 17 December 1792.

The *Oracle*, 17 December 1792, carried the fullest newspaper version of Burke's speech in a special supplement to complete its coverage of the debate. This was used with minor amendments in *Parl. Reg.*, xxxiv. 130–8. *Parl. Hist.*, xxx. 108–15 seems to be based on the same report but with considerable omissions. The account in *Debates in Both Houses of Parliament* also makes omissions. MS. at Sheffield, Bk. 10. 5 is a sheet of notes presumably jotted down by Burke during the debate.

Fox renewed his attempts to avert an inexorable slide to war with France with a motion, promised at the end of the previous debate, that the King should be addressed that 'a Minister may be sent to *Paris*, to treat with those Persons who exercise provisionally the Functions of the Executive Government in *France*'. Grey seconded the motion. Burke spoke late in the debate from the Treasury Bench, presumably as a public demonstration of his commitment to government policies.

Mr. BURKE (from the Treasury Bench) bestowed the warmest panegyric on Mr. JENKINSON,<sup>1</sup> Mr. FREDERIC NORTH,<sup>2</sup> and other young gentlemen who had gloriously stood forward to resist the growing Evils.<sup>3</sup> They inherited all the Talents and Virtues of their illustrious Fathers, whose Eloquence had often attracted the admiration of the House. In them the new Doctrines, which menaced destruction to all lovers of peace and order, would find very powerful Opponents. While they remained in the Field of Action, armed at all points for the Combat—while the Patriotism of their Fathers animated them in defence of the Constitution—while they were emboldened and invigorated by the growing Danger—the People need not tremble for the pernicious consequences of the new System of France, accompanied by the threatened argument of the Sword. In the formidable Phalanx which now appeared, the country might repose the greatest confidence. They would dash and repel the impending storm.

Litora litoribus contraria, fluctibus undas  
Imprecor, arma armis: pugnent ipsique nepotes.<sup>4</sup>

If called upon in defence of our Liberties, the friends of the Constitution would enter the lists in battle array—they would oppose the enemy—man

<sup>1</sup> Robert Banks Jenkinson (1770–1828), later (1808) 2nd Earl of Liverpool, Prime Minister from 1812 to 1827, was the son of Charles Jenkinson (1729–1808), 1st Baron Hawkesbury, later (1796) 1st Earl of Liverpool, a minister in Pitt's administration.

<sup>2</sup> Frederick North (1766–1827), later (1817) 5th Earl of Guilford, was the second son of Lord North.

<sup>3</sup> Jenkinson and North had both spoken against the motion.

<sup>4</sup> I invoke the enmity of shore to shore, wave to water, sword to sword; let their battles go down to their children's children; Virgil, *Aeneid*, iv. 628–9.

to man, foot to foot, and shield to shield. A learned gentleman (Mr. ERSKINE),<sup>1</sup> who seemed a convert to the new doctrines, had exemplified in his conduct the truth and wisdom of the ancient adage, *Know yourself*. With the greatest care he endeavoured to impress upon the minds of his hearers, that, till now, he had cautiously avoided speaking of the affairs or government of France. Thus he very wisely displayed the force of his *Eloquence in silence*;<sup>2</sup> and had he still adhered to that mode of reasoning, the House, if a judgement might be formed from his speech that night, would have had no cause to lament the delicate suppression of his sentiments. His sagacity was best expressed by his *silence*. How could he otherwise treat the Government and *Constitution* of France, which had no existence whatever? It was a proper and delicate sensibility to remain silent on this ideal subject—unless, in the hey-day of his enthusiasm, he yielded to the impulse of Fiction. It was yet in a state of Chaos. But the Learned Gentleman's modesty o'erstepped now the limits of his former discretion, and he came forward an advocate for that Constitution which had no existence.<sup>3</sup> If he declined a defence to the full extent, he at least advanced half way, fortified very ingeniously by his mental reservation. In deprecating the calamities of war against a Nation of Barbarians, he supported his hypothesis by an admirable quotation from the late Dr. JOHNSON.<sup>4</sup> "As the right of rivers had lately become the topic of discussion,<sup>5</sup> and as the new Advocates for *nature* did not hesitate to commit infractions of all Treaties, by a total destruction to the Laws of Nations;<sup>6</sup> so the Learned Gentleman, by his wide excursion in the fields of Fancy, impelled by the full Tide of the new Doctrines—presented to our heated imagination his own opinions and those of the celebrated author, crossing each other like

<sup>1</sup> Thomas Erskine (1750–1823), later (1806) 1st Baron Erskine, a successful barrister of strongly radical views. Burke already detested him for the manner in which he had defended a pamphleteer accused of libelling the Commons over the Hastings trial and had tried to humiliate him in the House on a previous occasion (vol. vii, pp. 81, 84–5).

<sup>2</sup> Erskine had said that 'he meant to be understood not to give any opinion at all concerning the Constitution of France, and that he meant not to mix the affairs of France with the affairs of his country'.

<sup>3</sup> Erskine had urged that the nature of the French constitution should not be an argument against negotiating with the Convention. 'Did we ever before this refuse to send an Ambassador to any country on account of the form of its Constitution?'

<sup>4</sup> Erskine had quoted at length a passage from Samuel Johnson's *Thoughts on the Late Transactions Respecting Falkland's Islands* of 1771, beginning, 'It is wonderful with what coolness and indifference the greater part of mankind see war commenced'.

<sup>5</sup> Rights of navigating the Scheldt.

<sup>6</sup> The Convention had justified its decree of 16 November 1792 opening the Scheldt on the grounds that closing it was directly contrary to the principles of natural law and that treaties always had to give way to the imprescriptible rights of man (*Ancien Moniteur*, xiv. 535).

the *Rhone* and the *Sone*<sup>1</sup>—the slender streams of the former swallowed up in the immense gulph of the latter.”<sup>2</sup> In calling in the aid of Dr. JOHNSON to enforce his arguments against a Foreign War, the Learned Gentleman produced a very formidable Champion indeed. He was a great and a good man; his Virtues were equal to his transcendant talents, and his friendship Mr. BURKE valued as the greatest consolation and happiness of his life. It might, however, escape the Learned Gentleman’s memory, that this eminent Author, who wrote with such energy against a Foreign War, had afterwards, on the memorable Rupture between this country and America, summoned all his Vigour and Eloquence in vindication of a Civil War.<sup>3</sup> Mr. BURKE wished sincerely that hostilities might be avoided; but if our just resentment were fulminated against the Assassins who offered us the *comforts* of Fire and Sword, a Civil War might be prevented in England. The French Agents were remarkably active in exciting commotions. The Arm of Power ought to crush them—a criminal suspension would entail upon our fellow subjects most dreadful disasters. In the mad, wicked, and abominable career of the French, he had fondly hoped that ere now the hand of Nature would have arrested them; that they would have been brought to condign punishment for their manifold and unparalleled iniquities; and precipitated with a ten-fold fury to that place so happily congenial with their horrid dispositions. But it did not as yet please PROVIDENCE to check their progress. They had inundated their murderous myrmidons into Savoy<sup>4</sup> and Brabant;<sup>5</sup> had perhaps before this time commenced hostilities against our allies the Dutch—proudly anticipated a conquest of the whole Continent—and menaced Great Britain with their Doctrine and their Arms. These were serious facts, and demanded immediately the most active exertions. In this dreadful dilemma were we to abandon Government? No. Let us strengthen their strength—let us teach a gang of Homicides and Regicides what they have to expect from a dignified People, emulous of each other in the cause of true Liberty. Alluding to Mr. ERSKINE’S excursion to the Continent,<sup>6</sup> Mr. BURKE

<sup>1</sup> The Saône.

<sup>2</sup> ‘Former’ and ‘latter’ seem to be transposed: the Saône is a tributary of the Rhône.

<sup>3</sup> Burke was referring to Johnson’s *Taxation No Tyranny* of 1775.

<sup>4</sup> The Duchy of Savoy was part of the kingdom of Sardinia. French troops had occupied it and on 27 November 1792 it was declared to be incorporated into France.

<sup>5</sup> A province of the Austrian Netherlands.

<sup>6</sup> Erskine had been in France in 1790. He was said to have returned ‘a violent democrat. He has had a coat made in the uniform of the Jacobins with buttons bearing the inscription “vivre libre ou mourir”, and he says he intends to wear it in the House of Commons’, *Memoirs of the Life of Sir Samuel Romilly*, 3 vols., London, 1840, i. 408.

ironically observed—"Perhaps the Learned Gentleman's present Speech and former Silence arose from his Ignorance of the State of France! Perhaps he never was in that happy Country!—Perhaps he never saw the Jacobin Club!—Perhaps he knows nothing of the leading *worthies*! Perhaps he knows nothing of any Member of the Convention!—No! No!—He is totally unacquainted with these *Innocent* lambs!—Hence his admirable Speech! Hence his most excellent declamation against the horrors of war!—To gratify the learned Gentleman's ambition—and, sure I am, no man possesses a greater portion, I wish he would undertake the arduous office of Ambassador to Paris, provided he promises not to travel out of the *record*—not to go beyond the instructions in his *brief*!" Mr. BURKE lamented, that, whenever the subject of France came under discussion, he was annoyed and singled out for acrimony and invective. He defended Government from principle, not interest. Strange as it might appear to some Gentlemen with whom he formerly acted, he affirmed, in the face of the House and his country—"I retain, and ever will, my independence—I have made no provision for myself or family—we are not in the possession of any office; neither cajoled by the reversion of place, nor by the promise of pension—<sup>1</sup> and yet, because I have warmly expressed my abhorrence of the French doctrines, I am pursued and reviled with all the force of rancour and hostility." But sometimes the best effects have arisen from the worst causes; the evil designs and calumnies now manifested by a certain description of men assume too bold features to be mistaken, or passed over in silent contempt.—There are assailants of eminence with whom it is no disgrace to grapple. Whenever invited to the combat, he would collect all his fortitude, and obey the summons. His hardihood might, perhaps, be eclipsed in the conflict; but he would convince the world that he possessed Resolution. By whom were we annoyed? By FROST,<sup>2</sup> whom we all knew; by SEMPILL,<sup>3</sup> whom I have not the honour of knowing; perhaps the opposite gentlemen are well acquainted with him—by JOEL—JOEL (the prophet)<sup>4</sup> of whom I have heard.<sup>5</sup> These are the respectable gentlemen—

<sup>1</sup> In the second part of his *Rights of Man* Paine had written that he believed Burke to be a 'pensioner' (Kuklick, ed., *Paine Political Writings*, p. 174).

<sup>2</sup> John Frost, see above, p. 520, n. 4.

<sup>3</sup> Hugh Sempill (1758–1830), 14th Lord Sempill, who as President had signed the address from London Society for Constitutional Information presented to the Convention on 28 November 1792. Shortly afterwards he was dismissed from his commission in the Guards. Fox was to take up his case.

<sup>4</sup> The Book of Joel is one of the prophetic books of the Old Testament.

<sup>5</sup> Joel Barlow (1754–1812), an American poet living in Paris, who had presented the address from the London Society for Constitutional Information.



the Gods—the *minorum gentium*,<sup>1</sup> who threaten to lay our Capital and Constitution in the same ruin.

Why have the French, who cherish and protect the Traitors, offered to aid and abet the downfall of our Government? Because the unfledged Republicans have determined to wage war against every MONARCHY. Having a KING who commands the affections of his People, the criminality on our part is unpardonable in their eyes. KINGS are anointed with *oil*—the NEW SOVEREIGNTY of the PEOPLE with *blood*! The recent massacres, at which all Europe revolted,<sup>2</sup> heightened this striking likeness; and none but the murderers themselves could help deploring the shocking barbarities, which exceeded all ancient and modern flagitiousness. Those who were advocates for an Ambassador to Paris ought seriously to reflect in what an awkward predicament they placed such a Gentleman. They appointed an Ambassador to a People who had no Government, no Administrators, and who had denounced the most implacable hatred against all KINGS! But, say they, Ambassadors have been sent thither from other potentates. Be it so. Let them receive Ambassadors from all quarters of the globe—from Cappadocia—from Pergamus—from America<sup>3</sup>—from Abyssinia—Let all these congratulate each other on their agreeable and enviable Residence. But let no Ambassador go thither from Great Britain. If we condescended to acknowledge them by an Ambassador, might they not insult him by saying—Who sent you?—The KING or the People of England? The KING, most certainly, answers the Ambassador. The KING! Return from whence you came—we never sent for you: we have passed an irrevocable Declaration against ALL TYRANNY! And thus, if the motion were agreed to, we should jostle in the dark, and expose ourselves to the insolence of the basest of mankind—Monsters who outrage every law human and divine. In this degrading situation the BRITISH AMBASSADOR would sink into the humble character of a Popish *Ambassador of Obedience*,<sup>4</sup> not permitted to exercise his function but by the charitable sufferance of his Tyrants. Mr. Fox had justified the incursion of Dumouriez<sup>5</sup> into Brabant, on the Principle of Retort for

<sup>1</sup> The lesser gods of the Roman pantheon.

<sup>2</sup> Some 1,200 people held in the Paris prisons had been murdered in September 1792.

<sup>3</sup> Gouverneur Morris (1752–1816) was ambassador from the United States in Paris.

<sup>4</sup> An emissary sent to the Vatican to acknowledge submission.

<sup>5</sup> Charles-François du Périer Dumouriez (1739–1823), commander of the French troops who had defeated the Austrians and occupied the Austrian Netherlands.

the invasion of the COMBINED ARMIES.<sup>1</sup> Admirable reasoning! Thus we were not only to guarantee their *new* LIBERTY by an Ambassador, but allow them the peaceable possession of the Austrian Netherlands, and acknowledge their right to open the Scheld. All these Acquisitions—Holland—the whole Continent, and much more—were we to grant them, by way of *Costs* and *Damages*! Thus the Laws of Nature superseded the Laws of Nations; and Great-Britain, in her turn, would be left to the mercy of the *honest* and *innocent* Republicans of France! If a Treaty opposed their ambition, they immediately affirmed, that it was contrary to the Laws of Nature; and reduced every moral obligation to the same Levelling Principle. Mr. BURKE made a ludicrous objection to the motion in the following manner:—If, when the British Ambassador appears at the Bar, his commission, among other things, happened to state—“GEORGE THE THIRD, by the *Grace of God*!” Would not all the Convention be immediately convulsed with laughter? The PRESIDENT,<sup>2</sup> ROBERSPIERRE,<sup>3</sup> and MARAT,<sup>4</sup> sworn Enemies to KINGS, would scarcely be able to keep their indignation within bounds. On the one side, Citizen FROST would heighten their resentment; on the other, Citizen PAINE<sup>5</sup> would proceed to denounce us. But, say some of the supporters of the Motion, what right have we to enter upon a Crusade in the cause of KINGS? We are safe in this country, and our KING reigns in the hearts of his People. The French malady complained of can never disturb our tranquillity—

Et penitus toto divisos orbe Britannos.<sup>6</sup>

Our insular situation, they affirm, is proof against every innovation. They talk as if England were not in Europe.—The French Savages having so horribly stained Europe, he, for one, would have no objection if they could prove the truth of their assertion; and persuade us to the belief that England was in another quarter of the Globe! In the conference with the British Ambassador, the Members of the Convention might ask—Are you

<sup>1</sup> On 13 December Fox had said that French conquests in Belgium had been provoked by ‘a wanton invasion on the part of Austria and Prussia’ (*Oracle*, 14 Dec. 1792).

<sup>2</sup> Presidents of the Convention were elected every two weeks.

<sup>3</sup> Maximilien-François-Marie-Isidore Robespierre (1758–94).

<sup>4</sup> Jean-Paul Marat (1744–93).

<sup>5</sup> Having taken refuge in France, Paine, who had already been made an honorary French citizen, had become a member of the Convention.

<sup>6</sup> And the Britons so completely divided from the rest of the world; Virgil, *Eclogues*, i. 66.

the Representative of a routed Faction who have murdered your King?—No!—Then we can have no transaction with you. Fill up the Measure of our laudable Principles, and then we will treat with you. Shocking to think! Perhaps even now the Barbarians are embruing their hands in the Blood of the unhappy Prisoners!<sup>1</sup> If their fate be not yet finally decided, look around, and observe their Judges—Among other men who reflect honour on human nature, are *Citizen* FROST, and *Citizen* PAINE, of the most unblemished characters! Being a *general lover of new Constitutions*—being enthusiastically fond of projectors—he was not surprised, that the Learned Gentleman undertook to plead PAINE'S cause.<sup>2</sup>

At this point, a member, identified in a number of papers as Thomas Whitmore,<sup>3</sup> was named to the Speaker for persistently interrupting Burke in a disorderly manner. The Speaker ordered Whitmore to leave the chamber and a motion that he be reprimanded was moved. Burke, however, interceded on Whitmore's behalf and the motion was withdrawn.

Mr. BURKE resumed his Speech. Having now decided a *point of order* in this House, we return to the transactions of another Assembly, *not* so famous for order! But by whom is the unfortunate King accused?<sup>4</sup> By *Citizen* PAINE on the one hand, and *Citizen* FROST on the other. Are these Frenchmen? No. They are not Frenchmen by birth, but Frenchmen by merit.<sup>5</sup> Thus, France adopts Citizens from all Nations, and such a group of abandoned and unprincipled Citizens as no other Nation on the face of the earth will receive. Instead of navigating the *Scheldt*, these wretches navigate the *Styx*<sup>6</sup> only; and announce Slaughter and Destruction to all mankind. Are these the men to whom we purpose to send an Ambassador? Are we to petition them for peace? Are we to humble ourselves before Judge PAINE? No. Let us not appear through that degrading medium, till *Citizen* PAINE ceases to appear before us as a culprit! By some it might perhaps be sarcastically asked—How *Citizen* FRANKLIN, with whom *Citizen* PAINE was formerly intimate, came to have his actions

<sup>1</sup> Burke was assuming that Louis XVI and his family would be executed.

<sup>2</sup> Erskine had taken on the brief to defend Paine, in absentia since he had absconded to France, against the charge of seditious libel that was about to be tried. Burke believed that Fox was giving Erskine help in drawing up his case for Paine (*Corr.* vii. 315–16).

<sup>3</sup> (1742–95). He was a Foxite, said on one occasion in the House to be 'two thirds drunk and one third mad'.

<sup>4</sup> Louis XVI's trial had begun on 10 December.

<sup>5</sup> Unlike Paine, Frost, who was in France at the time and attended Louis XVI's trial, seems not to have been an honorary French citizen.

<sup>6</sup> The mythological river of the underworld.

honoured with an Ambassador?<sup>1</sup> And why I suffered such a degradation? The answer was obvious: *Citizen* FRANKLIN had never advised the extirpation of all Kings. When the independence of America was acknowledged, all FRANKLIN'S crimes were absolved. The difference between these two was great in another view. FRANKLIN was a native of America; Paine was born in England, and lived under the protection of our laws: but instigated by his evil genius, he conspired against the very Country which gave him birth; by attempting to introduce the new and pernicious doctrines of Republicanism. During the American war, we hear of no acts of barbarity—no deliberate murders—no dethronement and decapitation of Kings. There appeared more atrocious guilt in France in one day, than in America and England in seven years. How can we avoid war, when France has denounced destruction against all the Kings of Europe? We are therefore forced, on principles of self-defence, into a CONFEDERACY with ALL THE SOVEREIGNS OF EUROPE. "I say, WE ARE NOW ENGAGED IN ACTUAL WAR!" The question consequently is—Will you tamely surrender yourselves to *Citizens* FROST and PAINE? Forbid it Heaven! Forbid it Justice! Forbid it humanity! Yield to Traitors to their King? to a nation of murderers?—Stain the illustrious pages of our History with such profanation and impiety? May God, in his infinite mercy, add vigour to our arm to check the encroachments of those Monsters of Society! In the plenitude of their spleen and malevolence, the gentlemen on the opposite side were unmanly enough to attack Mr. PITT in his absence.<sup>2</sup> It was certainly uncandid and ungenerous to vilify and to criminate him when not present to defend himself. Were he now in the House, he might perhaps easily repel their Shafts of Malignity, and make them rebound on the heads of his Adversaries. These remarks arose not from the smallest insinuation, that he was not very ably vindicated by Mr. DUNDAS and other friends; but the Artillery of opposition had continued such an incessant fire since the opening of the Session, as to excite not only his astonishment, but that of every lover of the King and constitution. His strongest objection to an Ambassador in *Paris* arose from the present perilous period, when not only the peace of Europe was outraged, but disturbances fomented by French emissaries in the very

<sup>1</sup> Benjamin Franklin was emissary for the United States in France from 1776 to 1785 and was one of the delegates with whom British emissaries negotiated the Peace of Paris of 1783.

<sup>2</sup> Pitt had been absent from debates from the beginning of the new session, since he had vacated his seat on having accepted a place under the Crown—that is, the office of Lord Warden of the Cinque Ports—and had not yet been re-elected.



bosom of our own dominions. We do not wantonly plunge ourselves in War. We are driven to the desperate expedient by an aggression of our freedom—We have no alternative—We cannot remain silent and inactive, when the Independence of Great Britain is endangered—Considering these alarming circumstances, an Enemy to subdue within, and invaders to repel without, we were never engaged in a war which required more vigorous exertions. Mr. Burke concluded by moving an Amendment diametrically opposite to Mr. Fox's motion.<sup>1</sup>

This debate and those on 13 and 14 December made it clear that Fox had very little support in the House and that a substantial majority of the opposition Whigs now opposed him. He did not seek to divide the House on his motion.

## Speech on Alien Bill 28 December 1792

Source: *Diary*, 29 December 1792.

Burke's two-hour speech was the major item in a relatively short debate and so it was reported at length in the newspapers. The report in the *Diary*, 29 December 1792, was the fullest version, but there were also extensive accounts with important additional material in the *Public Advertiser*, *Morning Post*, *Star*, and *Gazetteer* of the same date. The report in *Parl. Reg.*, xxxiv. 215–24, which was followed by *Parl. Hist.*, xxx. 180–9, is a conflation of passages from *Morning Chronicle* and the *Star* as well as the *Diary*. MSS. at Sheffield, Bk. 10. 9 consists of two sheets of notes for this speech; Bk. 10. 89 seems clearly to be related to it and Bk. 10. 29 and Bk. 10. 71 may also be. In fragments (MSS. at Sheffield, Bk. 10. 38 and 41) Burke elaborated his arguments about the nature of liberty, which is a central theme of this speech.

The Alien Bill was prompted by the influx into Britain of those displaced by the turmoil in France: in September 1792 alone, 4,000 were said to have arrived. It was recognized that the great majority of such refugees were likely to be enemies of the new regime in France fleeing from persecution and in many cases needing aid in Britain, but there were reports of agents of the republic mingling with them to spread subversion and even assassination. Under the bill, arrivals from France were to be listed, to be required to surrender their arms, and their movements throughout Britain were to be controlled. The government would be empowered to deport undesirable immigrants. The bill was introduced in the Lords on 21 December and given its second reading in the Commons on 28 December, when Henry Dundas outlined its provisions. Fox announced that he would not divide the House, postponing his opposition until the committee stage. Burke then spoke at length, giving a vivid account of the threats that revolutionary France posed to Britain, with a special

<sup>1</sup> Burke did not in fact move any motion. According to a report in the *Morning Chronicle*, 17 Dec. 1792, he concluded his speech by saying that he had intended to move an amendment to Fox's motion, which would 'publish to the world the justice' of a war against France, but that 'he had not had time to digest his plan with propriety'.

emphasis on the spread of atheism as well as on the subversion of the constitution and of the social structure. His speech seems to have been well received by the majority of the House.

Mr. *Burke* said, no man was less disposed than himself to speak of party; for no one who belonged to it, could speak of it without mixing with what he said, circumstances of private confidence, which ought to be covered with the sacred veil<sup>1</sup> of silence.<sup>2</sup> Party was of great use in transacting public business; men conversed freely together when under the seal of honour; and business was forwarded by that private understanding, which arranged and prepared it for public discussion. The party to which allusion had been made, was undoubtedly founded on the clearest principles of honour, and no man was bound by it to support any measure, which his judgment or his conscience disapproved. The Right Honourable Gentleman (Mr. *Fox*), and himself had differed very widely of late on certain measures; and the former had appealed as it were, for a proof of the propriety of his conduct to the friendship of a Noble Duke,<sup>3</sup> which he said, he had enjoyed for sixteen years. He also, (Mr. *Burke*) could make an appeal to the same respectable and respected quarter; he had been honoured with the friendship of that noble person for twenty-seven years, during which time, the closest intimacy had subsisted between them; and he could now venture to assure the House, that though he had of late taken so different a side in politics from that of the Right Honourable Gentleman, if the Noble Duke's friendship for him was not improved, it certainly was not impaired.<sup>4</sup> The Right Honourable Gentleman had no occasion to talk about being banished to *Sinope*;<sup>5</sup> no one had ever thought of driving him from society; there was another indeed (meaning himself) who had much more cause for complaint; endeavours had been made to send him, not to *Sinope*, but to a city called *Coventry*,<sup>6</sup> for having maintained opinions, which he thanked God, were those entertained by King, Lords, and Commons, and by a decided majority of the nation. He doubted not that even were that person

<sup>1</sup> 'viel' in original.

<sup>2</sup> *Fox* had said that there ought to be private communications between party colleagues before there was disagreement in public.

<sup>3</sup> *Fox* had spoken in reply to Sir Gilbert Elliot (1751–1814), 4th Baronet, later (1797) 1st Baron Minto and (1813) 1st Earl of Minto, who had told the House that the Duke of Portland had authorized him to say that he supported the Alien Bill. *Fox* had insisted that, whatever their differences might be on current issues, he and the Duke still agreed in opposing the Pitt ministry for its unconstitutional origins in the crisis of 1783–4.

<sup>4</sup> Portland disliked the *Appeal*, see above, p. 477.

<sup>5</sup> As *Burke* had done in the *Appeal* (see above, p. 369). *Fox* had likened himself to Diogenes the Cynic condemned to exile to *Sinope*.

<sup>6</sup> To send someone to *Coventry* was to ostracize them.

banished, he would, were he to live in a tub, like the Grecian Philosopher, speak his sentiments with equal freedom either to an Alexander at the head of his army,<sup>1</sup> or to the most enraged demagogue of the City of Athens. The Right Honourable Gentleman had said, that he should know by the kind of support which his Honourable Friend (Sir G. Elliot) would give to Ministers whether he could act with him as a public man; that if the support was only occasional, they might still continue to act together; but that if it was *systematic* there must be an end of all political connection between them.<sup>2</sup> He considered that the Honourable Gentleman, in promising to support Government at this crisis, meant to support it systematically, or he meant nothing. Government was a system; war was a system, and both must of course be supported by system. To give Ministers a layer of support on one day, and a layer of Opposition on another, would be to betray them into measures in the first instance, for the purpose of afterwards censuring and condemning them. In speaking on a subject of this nature, he said, he must observe, that at a crisis like the present, he was bound to consider whether those who were actually in power, or those who were candidates for it, were most likely to promote the interest and prosperity of the Country. In such a consideration it was natural for him to cast his eyes upon two Right Honourable Gentlemen (Mr. Fox and Mr. Pitt) of extraordinary abilities, one of whom had twice filled the office of Secretary of State for foreign affairs;<sup>3</sup> the other was actually at the head of his Majesty's Government. When the Country was most probably on the eve of a War, it must be allowed that such a person as was most likely to enjoy the confidence of the *Crown* was most fit to be a Minister. [Here there was a loud cry of hear! hear! from the Opposition, which was meant to convey censure of Mr. Burke for making the confidence of the *Crown* so much more necessary than the confidence of the *People*.] Mr. Burke repeated his assertion; he said that as the conduct of War gave the Crown ten times more power than it possessed in time of Peace, so it could not be exercised with due effect, unless the Crown had those for its advisers in whom it placed the greatest confidence. He observed, that next to the confidence of the Crown, the support of the House of Commons, of the

<sup>1</sup> There are many versions of the legend of an encounter between Alexander the Great and Diogenes, who, when asked by his visitor if there was anything he could do for him, requested him not to stand in his light.

<sup>2</sup> Elliot had said that he hoped that his support for the government's measures would not 'impair the principle' of his political 'union' with Fox. Fox had replied that 'systematic' support for Pitt would be incompatible with any further connection.

<sup>3</sup> Fox had held that office under Rockingham in 1782 and in the Coalition in 1783.

House of Lords and of the People out of doors, was necessary to a Minister. In all these points of view, which of the two Gentlemen was most likely to enjoy in a high degree this confidence and this support? Unquestionably the Right Honourable Gentleman who was actually in office; and consequently for this very reason he was the fittest person to be at this moment intrusted with the administration of public affairs. He did not say this from any partiality for him, or because he could not find other individuals to make Ministers of, to whom he was personally more attached; for certainly many such persons could be found; but he believed none could be found, who under the present circumstances of the times, could hope to possess in as eminent a degree as the Right Honourable Gentleman (Mr. Pitt) the confidence of the Crown, the Parliament, and the People. A support therefore given to him at the present crisis, must be a systematic support: there was a system in every thing. Government was a system; so was the law of the land; so were the laws that governed the ebbing and flowing of the tide. Every man who was a Minister, or wished to become one, must have a system; every Opposition must have a system; the system of the present Opposition was avowedly to pull down the present Ministry: he did not mean either to approve or condemn it, but merely to state the fact. What then must be thought of an individual who should give an occasional support to a Minister, which might encourage him to adopt measures of hostility, and then systematically oppose the system on which hostilities were declared and carried on?<sup>1</sup> This led him to consider the system that was avowed by the Right Honourable Gentleman, and upon which he, no doubt, would act, if he should be able to overturn the present Ministry; and this also led him to advert to the situation of France.<sup>2</sup> France, Mr. Burke observed, independent of any change that had taken place in the state of her affairs, or the form of her Government, was from the very nature of her situation, a dangerous rival to England: many had considered her as the natural enemy of this country; but *he* would speak of her only as a dangerous rival. This, she was from the act of God, who had placed the two kingdoms in their present geographical position. In this light she was

<sup>1</sup> In the House of Lords on 21 December the Duke of Portland had said that he approved of the Alien Bill, although he was still be unwilling to give general support to the Pitt government (*Parl. Reg.* xxxvi. 39).

<sup>2</sup> The *Gazetteer*, 29 Dec. 1792, records him as asking the House to 'excuse him for any unusual degree of warmth, when he mentioned the French Revolution, he protested his duty in that House occupied all his thoughts; out of the twenty-four hours, besides those which he devoted to natural rest, he scarce spent half an hour in any other pursuit, except when he was visited upon business or compliment; for he had made it a rule, ever since he had the honour of a seat in that House, to shut his door against no man.'



viewed by our ancestors; and this it was that regulated and governed their politics in every thing relating to the relative power of the two States. Of late indeed it had become the fashion with some people to say, that with her old Government France had renounced every idea of ambition and conquest, and that the Revolution which she had effected at home would establish in Europe the reign of peace, harmony, and concord, so that this might be styled the first year of the Golden Age restored. But alas! this dream was but of short duration, and it appeared that the Republic of France was infinitely more ambitious, more rapacious, and felt more of the lust of power, conquest, and dominion, than the old monarchy of that country; so that there was no ground for England to change the system of policy respecting France which had been adopted in early days, and pursued down to the present period. It was that policy which prompted our ancestors to form connexions on the Continent, that might enable them to restrain the formidable power of France. With this view it was that they made the old alliance with<sup>1</sup> the House of Burgundy,<sup>2</sup> to which formerly belonged the seventeen Provinces, which at present form the Republic of the United Provinces, and the Austrian Netherlands. With these Provinces, in whatever hands they were, it had been invariably the policy of England to be connected, as furnishing the means of an effectual resistance to the power of France; and for this reason we had always made it a point to prevent even the Emperor<sup>3</sup> to dispose of such of them as belonged to him, to any other State. Since the extinction of the House of Burgundy in the male line,<sup>4</sup> and the dismemberment of its possessions, the House of Austria had always been considered as the natural Ally of England, because it was the only one capable of making head against the enormous power of France.<sup>5</sup> During the aberrations<sup>6</sup> of Joseph II, whose unaccountable disposition was not favourable to England,<sup>7</sup> an alliance was formed with

<sup>1</sup> 'which' in original.

<sup>2</sup> In the fifteenth century.

<sup>3</sup> The Holy Roman Emperor.

<sup>4</sup> In 1477.

<sup>5</sup> Burke is invoking against Fox old Whig ideals of foreign policy, as he had invoked old Whig constitutional ideals in the *Appeal*. The classic Whig doctrine, embodied in what was known as the Old System, was the containment of France by continental alliances, of which Austria was the crucial element. In reality the Old System had hardly functioned since the 1750s, as Prussia replaced France as Austria's prime antagonist.

<sup>6</sup> 'aberratione' in original.

<sup>7</sup> The foreign policy of Joseph II (1741–90), Holy Roman Emperor 1780–90, had been focused on eastern Europe and an alliance with Russia. Close relations with Britain therefore did not feature largely in his calculations. He was, however, determined to maximize the contribution made by the Austrian Netherlands to his empire in ways that caused Britain concern. He hoped to open the Scheldt for the trade of Antwerp and by heavy-handed reforms he had provoked strong opposition throughout the Austrian Netherlands.

Prussia.<sup>1</sup> It might have been presumed that we would have omitted nothing in our power to raise up either Austria or Prussia against France; and that our joy would scarcely have known any bounds, when by a fortunate and unexpected event *both* of these Powers were united against that Country. One might have imagined that we should have been happy to see them recover from France a slip or Alsace<sup>2</sup> and Flanders, which she had unjustly torn from the House of Austria;<sup>3</sup> What then was his astonishment when he heard a great Statesman (Mr. Fox) say on a former day, that he rejoiced in the discomfiture and disgrace of the Austrian and Prussian armies, and their inglorious retreat from France.<sup>4</sup> Such joy, on such an occasion, he could not but condemn in the strongest terms; nor could he reconcile the expression of it with the interest which we ought to take in the concerns of the Emperor, who was the natural Ally of Great Britain, and of the King of Prussia, who was so closely connected with our Royal Family by marriage,<sup>5</sup> and with the Kingdom by a recent and subsisting Treaty of Alliance.<sup>6</sup> But it would seem, that it was not enough to rejoice in the defeat of those Princes; we ought, in the opinion of the same statesman to have interfered and even armed, not to assist them invading France, but actually to oppose them, and drive out of that country, which is our great and formidable rival, two powers with whom we are connected both by interest and treaty.<sup>7</sup> On this ground it was, that the Right Honourable Gentleman had gone so far, as to call the victory gained by the French over the Austrians at Gemmappe, “a most glorious victory.”<sup>8</sup> He was ready to admit, that to France it was such; but to the rest of Europe a most calamitous event; there were some, perhaps, who considered it a

<sup>1</sup> Britain and Prussia had formed an alliance in 1788 to protect the House of Orange from the Dutch Patriot revolt supported by France.

<sup>2</sup> During the seventeenth century France had conquered Alsace, a province of the Holy Roman Empire.

<sup>3</sup> French troops had conquered the Austrian Netherlands, which by a decree of 15 December were virtually annexed to France.

<sup>4</sup> On 13 December Fox had rejoiced in the defeat of ‘a horrid league formed against human liberty’. News of the Prussian retreat, he said, gave ‘joy’ to ‘every man whose heart is warmed with the love of freedom’ (*Morning Chronicle*, 14 Dec. 1792).

<sup>5</sup> George III’s second son, the Duke of York, had just married the King of Prussia’s daughter, Frederica Charlotte (1767–1820).

<sup>6</sup> The 1788 Triple Alliance of Britain, Prussia and the Netherlands.

<sup>7</sup> Fox considered that Britain ‘should have armed sooner, but not for the purpose of joining the general confederacy against the French, but of counteracting it’. They should have opposed any ‘invasion’ of France.

<sup>8</sup> Fox was reported have described the battle of Jemappes on 6 November as a victory for men ‘animated by the glorious flame of liberty’ (*Star*, 14 Dec. 1792).

glorious victory for Freedom; for his part, he deemed it a calamitous defeat to this country; for that victory had given to France the possession of the Netherlands, and the complete controul and command of the navigation of the Scheldt, the Maese<sup>1</sup> and the Rhine; left Holland entirely at her mercy; and opened a road into the heart of the German Empire. The triumph of France over the Emperor and King of Prussia, had been called the triumph of Liberty over *Despots*. The indecency of such a name given to Princes who are our Allies, must strike every man. That it was the triumph of liberty, he believed almost every man would deny.<sup>2</sup> These Princes had not invaded France for the purposes of despotism, but merely to counteract the effects of doctrines, that were levelled at the peace, tranquillity and safety of every State in Europe; and their manifestoes assigned reasons for their conduct, than which no nation had ever published more strong or weighty.<sup>3</sup> [Here there was a laugh on the Opposition side of the House.] Mr. Burke insisted, that there was nothing ridiculous in the assertion; he only wished that those who laughed at his reasons would undertake to answer them. Of late it had become fashionable to call every Prince a despot; and every philosopher in a cage, whether dressed in green or grey, was taught to make the air echo with the word. He doubted however whether the philosophers who so frequently used the word, were as sagacious as the parrot mentioned by Locke, who, notwithstanding the clearness of his head, had a little dash of credulity. In speaking of that famous parrot in the Brasils, he quoted a dialogue which was said to have taken place between it

<sup>1</sup> The Meuse or the Mass.

<sup>2</sup> Burke had evidently prepared additional material controverting Fox's claims that the French Revolution had been a triumph of liberty. 'Since the Creation of the World I have never heard or read or could conceive of so horrid and extensive a slavery attacking liberty in every way in which it can possibly be held or enjoyed, property, safety, domestick quiet—extending to every concern of Life, publick and domestick, great and small, horrid and which has every thing of the most Iron Servitude except repose. When this is called Liberty—I know what estimate to make of its asserters and how I ought to oppose myself to the very possibility of their power. Nunc scio quid sit amor' [now I know what love is; Virgil, *Eclogues*, viii. 43]. Whether the French System Liberty. We can never agree upon a measure where principles opinions sentiments and even tastes differ in the extreme' (MS. at Sheffield, Bk. 10. 38).

'Magnifies their Courage conceals their failures of mass victory at Gemappe—I dont enter into the particulars which some people think is not glorious and wonderful an exploit but beat from Post to Post about Liberty he turns it into something that he neither can define in abstraction or describe by particulars but knows to be the exact contrary of every and [no] way distinguish[ed] from the most horrid servitude' (MS. at Sheffield Bk. 10. 41).

<sup>3</sup> Burke is referring to the manifesto of 25 July issued by Charles William Ferdinand, Duke of Brunswick (1735–1806), at the beginning of his invasion of France at the head of the Prussian army. He had threatened Paris with 'military execution and total destruction' if the Royal Family were harmed. Hence the laughter on the opposition benches. On 4 August the Austrian Emperor and the King of Prussia had issued a more measured joint declaration of their war aims.

and Prince Maurice.<sup>1</sup> When the latter asked the parrot what was its employment? it immediately answered, "I take care of the hens and chickens;" and to shew that it was as good a practical as it was a theoretical philosopher, it instantly, like a hen-wive, cried out "Chuck! Chuck!"<sup>2</sup>

Despotism unfortunately was to be found in Europe, but it was in *free* France that its chief seat was to be found; there liberty was but a sound, property an empty name, and every man's house, which used to be termed his castle, was become his bastille. There all orders were confounded, the church plundered, estates arbitrarily confiscated, individuals condemned, without a trial, to death or banishment; and all this was to be called "the triumph of Liberty over Despots!"—He said he would take any country in Europe, which might be called the most despotic; he would for instance take Russia, whose Government was undoubtedly the most despotic monarchy in this quarter of the world; and he would undertake to prove that in the course of the thirty years which the present Empress had reigned,<sup>3</sup> fewer acts of Despotism had been done in her whole empire, than had disgraced the mere Municipality of Paris in a single week. The present King of Prussia who had been *dignified* with the name of *Despot*,<sup>4</sup> had been some years on the throne, and not one single act had yet been done by him, which denoted despotism, tyranny, or injustice. His predecessor, the late King of Prussia,<sup>5</sup> was of an austere disposition, and came as near to the name and character of Tyrant as any man of sense, for undoubtedly a man of sense he was, and therefore could not be a tyrant; but still he had much of the appearance of it, for he was a harsh and severe military ruler; and yet more persons had been thrown into prison in one day in France, than had during his long reign been confined in the castle of Spandau, or any other royal place of confinements. France despising all the laws hitherto received and respected as the laws of nations, had lately published a new code, which equally set reason and justice at defiance. One principle laid down by the new Republic was, that it would consider as enemies, every people, who once freed by her from the dominion of their Sovereign, should ever capitulate with *their tyrants*; as they respectfully styled those

<sup>1</sup> John Maurice of Nassau-Siegen (1604–79), Governor of Dutch Brazil, 1636–44.

<sup>2</sup> In *An Essay Concerning Human Understanding*, bk. II, ch. xxvii, John Locke (1632–1704) quoted the conversation from Sir William Temple, *Memoirs of What Pass'd in Christendom from the War begun in 1672 to the Peace concluded in 1679*, London, 1709, p. 50.

<sup>3</sup> Catherine II, who had come to the throne in 1762.

<sup>4</sup> Frederick William II (1744–97).

<sup>5</sup> Frederick II (1712–86), known as Frederick the Great.



sovereigns.<sup>1</sup> This was a new principle in the law of nations; for it went the length of asserting, that a country once over-run by the French armies should never on any account return to its obedience to its former Sovereign. This was a principle such as the old despotism of France never presumed to avow, and such as England and Europe never would have suffered her to carry into effect, if she had avowed it. When the treaty of Aix-la-Chapelle<sup>2</sup> was negotiating, Marshal Saxe<sup>3</sup> had made a complete conquest of all the Austrian Netherlands, and had even entered the Empire; and yet though Louis XV. was in a splendid career of victory, the allies insisted that he should restore to the House of Austria every foot of these provinces which he had conquered: that Monarch consented to the measure, and these provinces were accordingly restored. But it seemed to be a part of the Right Honourable Gentleman's system, that because the Netherlands were at present in the hands of France, they should never be restored to their former Sovereign, though reason, justice, and the interest both of England and of Europe required that they should. Gentlemen did not seem to be aware of the value of the territories which were thus to be left at the mercy of France: they were the most wealthy, the best peopled, and the best conditioned in Europe. Though over-run and entirely conquered by the Duke of Marlborough,<sup>4</sup> and again in the war which ended in 1748,<sup>5</sup> they soon recovered from their losses, because they had good and free constitutions, which their masters, whoever they were for the time being, made it a point to respect. But now, when the arms of the Republic had made these provinces *free*, they were to be left plundered, and deprived of every thing that was dear to them, of every institution which the experience of ages had proved to be wise and salutary. The old Monarchy of France acted not upon such principles; when Alsace was conquered and ceded to her, a Treaty was made by which she was bound to maintain inviolate all corporations, public bodies, privileges and property, such as she found them; so that Alsace had barely changed her Sovereign,

<sup>1</sup> By the decree of 15 December, those people whom the French had freed would not be permitted to be reconciled to their old rulers. Those who wished to do so would be treated as enemies (see below, p. 541, n. 2).

<sup>2</sup> The treaty signed in 1748 which concluded the War of the Austrian Succession.

<sup>3</sup> Maurice, Comte de Saxe (1696–1750), Marshal of France.

<sup>4</sup> In the War of the Spanish Succession, John Churchill (1650–1722), 1st Duke of Marlborough, had driven the French out of what was then the Spanish Netherlands.

<sup>5</sup> The French under Saxe had taken the Austrian Netherlands from Imperial, Dutch and British forces.

not her Laws or Constitution.<sup>1</sup> But by the famous Decree of the 19th of November: consisting of 11 Articles, the Republic of France had resolved to pull down the Constitution, and all public institutions in every country possessed by her armies, where the Sovereignty should not be found to reside in the people! This Article he considered as a Declaration of War against every power in Europe, for there was not one that was founded on this principle of “the Sovereignty of the People”—<sup>2</sup> England was a complete stranger to any such principle; here was no Sovereign known to our laws, but the KING—He was the Sovereign of the House of Lords, he was the Sovereign of the House of Commons, in Parliament assembled, he was the Sovereign of the People out of Parliament; and they were all his subjects: the two Houses in their Legislative capacity had a concurrent authority; but it was confined to the making of laws; and in every other respect, they were his Liege Subjects, and owed him homage and allegiance. But if the French were to land an army in England, they would immediately, by the virtue of this Article, abolish the House of Commons, the House of Lords, the corporations, colleges, franchises, privileges, and churches, because not built on the sovereignty of the people. Were gentlemen prepared for such a change of things? The article went further; for it declared that no man should be admitted to be an elector in the primary assemblies, who should not by oath renounce all privileges; so that the Lord Mayor of London, the companies and freemen, must by oath renounce those very privileges which they were sworn to maintain; and even this would only render them merely eligible to the second legislature, but not to the first.<sup>3</sup> Having long dwelt on the various articles of this decree, which he read from a paper,<sup>4</sup> Mr. Burke next adverted to the late communication respecting England, between the National Convention and

<sup>1</sup> The terms on which Alsace was incorporated into France were principally defined by the Treaties of Westphalia and Ryswick in 1648 and 1697. It retained use of the German language and considerable autonomy under French rule.

<sup>2</sup> ‘19 November’ is an error for 15 December. By that decree the sovereignty of the people was to be proclaimed and all existing authorities were to be abolished in any French conquest. The French nation would treat as enemies any people who rejected liberty and equality and chose to preserve their prince or privileged orders. A translation of the decree, taken from the *Chronique de Paris*, 17 Dec. 1792, with annotations by Burke is in MS. at Northampton, A. xxxviii. 7.

<sup>3</sup> The peoples of the conquered territories were immediately to elect ‘primary or communal assemblies’. All those connected with the old order, who had privileged status or who belonged to corporations, were prohibited from taking part in these elections or from holding office. The primary assemblies were to create a new ‘free and popular’ system of government, which is presumably what Burke meant by the ‘second legislature’.

<sup>4</sup> Other reports, e.g. *Public Advertiser* and *Morning Post*, 29 Dec. 1792, record details of the Decree of 15 December as read out by Burke.

Mr. Le Brun, the French Minister for Foreign Affairs.<sup>1</sup> From that communication, enough might be collected to vindicate Ministers in framing and bringing forward the Bill then before the House; for Mr. Le Brun said that he kept many other agents in England besides the Minister of the Republic.<sup>2</sup> Here, surely, was ground for alarm; many secret agents could not be here for good purposes; a *legion* of Ministers no country had ever kept in the same place for ordinary diplomatic purposes. Mr. Le Brun made it appear evident enough for what purposes they were kept; for he threatened to make an appeal from the King to the British nation,<sup>3</sup> but as contradistinguished from the King, the word Nation had not a meaning among us; at home the King, Lords, and Commons represented the nation; abroad it was represented solely by the King; and whenever he spoke to foreign States, they were to consider his voice as the voice of the whole Nation. In the explanation which Le Brun gave to the article promising support to all those nations that should require it from France, he said that it was only in case when a nation should have formed the bold resolution of shaking off the yoke of Tyrants, and applied for support, that it should be given to them. This was as much as to say, that when rebellion was strong enough to shew its head, France would be ready to support it. But did France seek for such a moment? No, she had received the application of Lord Semples, Joel Barlow, John Adams, and John Frost, as the application of the people of England, and actually promised them aid and assistance.<sup>4</sup> Should that assistance ever reach this country, these Peers, Commons, Aldermen, Common Council, Magistrates, Judges, all must fall before the Reformers, as not deriving their authority from “the Sovereignty of the People”.

Mr. Burke next adverted to the horrid system of *Atheism*, which was now publicly *avowed* in France. To prove this, he quoted several passages from a speech of one *Jacob Dupont*, to the National Convention, in which that man impiously and blasphemously denied the existence of God, and

<sup>1</sup> Pierre-Marie-Henri-Hélène-Marie Lebrun-Tondu (1754–93). A translation of his report to the Convention of 19 December had just appeared in at least two London papers, the *Morning Chronicle* and the *Morning Post*, on 28 December 1792.

<sup>2</sup> Bernard-François, Marquis de Chauvelin (1766–1832), was French minister in London. Lebrun had written of ‘other agents . . . whom we keep in England’. For them, see Goodwin, *Friends of Liberty*, pp. 260–1.

<sup>3</sup> Lebrun had written that, if it came to war, ‘we shall not fail to make an appeal to the English nation’ against the ministry. ‘[I]n fine, we will constitute the English nation the judge between us and them.’

<sup>4</sup> These were either signatories or those who had presented addresses in November to the Convention (see above, p. 520, n. 4). ‘John’ Adams is an error for Daniel Adams, who signed an address as Secretary to the London Society for Constitutional Information, which had promised a gift of a thousand pairs of shoes for ‘the soldiers of liberty’.

declared that the people would never be thoroughly ripe for the “*Holy* doctrines of insurrection, and opposition to tyranny,” if in the primary schools, the rising generation should be taught anything about God. He concluded, that the Christian religion being a Monarchical one, preaching *subjection* and *obedience* to *God*, ought not to be suffered in a Republic; and that all the altars raised to religion, and to the Almighty, ought to be overturned, and none suffered to exist in France, but the “Altar of Liberty,” the sacred “Tree of Liberty.”<sup>1</sup> When some murmurs were heard in the Assembly, on account of this abominable doctrine, they were drowned by the loud applause of the majority of the Members.<sup>2</sup> This daring man, Mr. Burke said, observing, that some people might imagine that a Priest might be useful to a man in his last moments<sup>3</sup> to administer to him spiritual consolation; this he denied, and to such people he would point out *Condorcet* closing the eyes of *d’Alembert*:<sup>4</sup> in other words, one atheist closing the eyes of another. He said, that the *brave Marseillois* would not have been so well qualified for the *glorious* deeds of the 10th of August,<sup>5</sup> if they had had the weakness to believe in the existence of a God. The man who uttered these blasphemies, so far from having been disavowed by the Assembly, was appointed one of a Committee instituted for the purpose of drawing up a plan for national education; and the only difference of opinion among the Members of the Convention was, which plan of education would be most æconomical, that which proscribed the existence of a God, or that which admitted it.<sup>6</sup> Mr. Burke, in a strain of

<sup>1</sup> At this point, according to the *Morning Post*, 29 Dec. 1792, Burke quoted from Spenser’s *Faerie Queene* (I. ix. 298–303):

And all about old Stockes and Stubs of Trees,  
Whereon nor fruit nor leaf was ever scene,  
Did hang upon the ragged rocky knees,  
On which had many wretches hanged beene,  
Whose carcases were scattered on the Greene,  
And thrown about the Clifts.

He ‘doubted not’, Burke added, that ‘many wretches’ had been hanged on trees of liberty.

<sup>2</sup> Burke had presumably read a report of this speech made on 14 December 1792 by Jacques (‘Jacob’) Louis Dupont (1755–1823), a former cleric, in the *Moniteur*, 16 Dec. 1792 (*Ancien Moniteur*, xiv. 743–5). British papers reported Dupont’s profession of atheism (e.g. *Oracle*, 22 Dec. 1792).

<sup>3</sup> ‘that some people might imagine that a priest’ repeated in original.

<sup>4</sup> An account of the last days of Jean-Baptiste Le Rond d’Alembert (1717–83), *philosophe* and co-editor of the *Encyclopédie*, was written by Condorcet, who had been with him. ‘He wished . . . not dying to render homage to what during life he had uniformly professed to despise’ (*Correspondence. Letters between Frederic II, and Mess. D’Alembert, de Condorcet, Grimm and D’Arget. Translated from the French by Thomas Holcroft*, London, 1789, p. 392).

<sup>5</sup> The *Fédérés* from Marseilles had been prominent in the storming of the Tuileries on 10 August 1792.

<sup>6</sup> Report and debate in the Convention, 20 December 1792 (*Ancien Moniteur*, xiv. 778–83).



pathetic eloquence, described the benefits which society in general derived from the morality founded upon the belief of the existence of God, and the comforts which individuals felt in leaving this world, in the hope of seeing and enjoying happiness with his Maker in the next. He painted, in glowing colours, the abomination of a system founded upon the destruction of morality, and of every thing that could bridle the passions of man, and govern his conduct by principles of reason and virtue.<sup>1</sup> He mentioned the church of St. Genevieve at Paris, one of the finest buildings in the world, which was now called the *French Pantheon*,<sup>2</sup> because all the statues of the ancient Gods and Heroes of Antiquity were to be taken from Rome, and deposited in that famous Temple; there strangers from all quarters were to be instructed in the best mode of destroying the Government and Religion of their respective Countries; there they were to be taught how to lead on men imperceptibly from crime to crime, from wickedness to wickedness; from murder to murder. The philosophers of old used to apply the origin of every thing to *God—a Jove principium*,<sup>3</sup>—But the modern French philosophers would begin by saying that every thing had been made by *nothing*; and that the idea of a God was weak, childish and absurd, and unbecoming a true Republican. For his part, Mr. Burke said, he was determined to wage eternal war with this abominable principle, which would drive morality out of the world, and cut asunder the bonds which unite man to man, and the creatures to their Creator!

Adverting lastly to the Bill immediately before the House, he said he would give it his most cordial support, as being calculated to keep out of England those murderous Atheists, who would pull down the State and Church; Religion and God; Morality and Happiness. The extraordinary power which it would give Ministers was necessary and even proved that the people who gave it were free; for if the Crown possessed such power in

<sup>1</sup> What seems to be a draft for this section of Burke's speech is in MS. at Sheffield, Bk. 10. 89. 'Religion often pressed by Hypocrites into the service of Ambition and Avarice and has done great Mischief and so have all the other Virtues which these vices have abused. But where the Evil has been <prevented>, the principle which was thus unnaturally perverted returns in time to its proper channel. The Error becomes even instruction and Religion resumes its Character as a perennial Source of comfort, support, or melioration to mankind. But the first furies of Atheism are not the worst part of it. Atheism leaves in the human breast no principle of repentance, amendment or melioration, but a black, malignant false, a fanatical and uncontrolled disposition to the same rebellions, insurrections, the same plots, the same treasons, robberies and massacres. And this from age to age for ever.'

<sup>2</sup> Louis XV had commissioned a new church on the site of one dedicated to St Genevieve, the patron saint of Paris. Building was not completed until 1790. On 2 April 1791 the National Assembly ordered that it become the Panthéon, a mausoleum for national heroes. Mirabeau was the first to be interred there.

<sup>3</sup> From Jupiter is the beginning of all things; Virgil, *Aeneid*, vii. 219.

time of peace, it would be too great for liberty; and if they had not more in time of war than was necessary in time of peace they would not have enough for the public safety. Where the Crown had its power enlarged or diminished by the people, according to times and circumstances, here the people could not be justly said to live under despotism, but to be perfectly free. It had been said on a former occasion that there were only nineteen persons at present in the kingdom likely to be affected by the Bill;<sup>1</sup> but when it was considered that they were murderers and Atheists, the number might be said to be very great; they exceeded by many the whole of the Royal Family, whom they might perhaps be commissioned to murder. Besides they might take apprentices to the trade of blood; and then God only could tell where their numbers would end.—The persons by whom so many murders were committed in France never exceeded two hundred;<sup>2</sup> though their assistants and abettors amounted to many thousands; and therefore people ought not to be at their ease because we had at present only nineteen of them among us. He concluded by reminding the House of the orders given for making first three thousand daggers, and then 2000;<sup>3</sup> Mr. Burke surprized the House by suddenly drawing one of them, which he held up to public view, and which he said never could have been intended for fair and open war, but solely for murderous purposes.<sup>4</sup> “It is my object,” said he, “to keep the French infection from this country; their principles from our minds, and their daggers from our hearts. I vote for this Bill, because I consider it the means of having saved my life and all our lives, from the hands of assassins; I vote for it, because it will break the abominable system of the modern Pantheon, and prevent the introduction of French principles and of French daggers. When you smile, I see blood trickling down your face; I see your insidious purposes; I see that the object of all your cajoling is—*blood!* I now warn my country to beware of those

<sup>1</sup> According to the *Public Advertiser*, 29 Dec. 1792, Burke said that: ‘It had been declared by a Noble Lord (Grenville) in another place that there were known to be *Nineteen Assassins* in this country for the extirpation of Kings.’

<sup>2</sup> According to the *Gazetteer*, 29 Dec. 1792, Burke said that there had been ‘no more than 200 or 300 . . . real murderers’ in the Paris massacres on 2 and 3 September 1792.

<sup>3</sup> For the orders being placed for daggers for France to be made in Birmingham, see below, p. 572 and *Corr.* vii. 331–5.

<sup>4</sup> The daggers were intended to arm French troops. Burke had been supplied with a dagger by the government. According to another report, he ‘drew a dagger from his breast, which after he had wielded in a theatrical manner, he flung against the floor; he then took it up, and kept it elevated in his right hand during the remainder of his speech’ (*Gazetteer*, 29 Dec. 1792). His performance aroused hilarity in the House, ‘which took some time to resume its wonted seriousness and dignity’ (*Morning Herald*, 29 Dec. 1792).

execrable philosophers, whose only object is to destroy every thing that is good here, and establish immorality and murder by precept and example.

*Hic niger est, hunc tu Romane caveto.*<sup>1</sup>

Only one speaker followed Burke and the bill was sent to committee without a division. The Alien Bill was discussed in committee on 31 December, when Fox declared his opposition to it, since 'he did not believe there was any internal danger',<sup>2</sup> and on 2 January 1793. Burke is recorded as having spoken briefly on both occasions.<sup>3</sup> The committee's report was debated on 4 January. In the face of vigorous opposition, the report was agreed and the bill given a third reading. If Burke attended then, he was not reported to have spoken.

## Speech on War with France 12 February 1793

Source: *Morning Chronicle*, 18 February 1793.

Burke spoke late in a debate that due to other business started late and went on until 2 a.m. Most initial newspaper reports of his speech were therefore sketchy. The *True Briton* on 13 February and the *Diary* on 15 February printed similar substantial reports. The *Morning Chronicle* on 18 February carried a report that seems to have been based on those. But whereas they had merely recorded that Burke 'read a variety of extracts from French Papers, tending to establish the facts he had stated', the *Morning Chronicle* gave some indications as to what he had read. How it acquired this material is unclear. It is hard to imagine that Burke would have had any dealings with the detested Foxite *Chronicle*, even though it expressed its desire to sacrifice 'all partialities' and do 'equal justice' to all speakers in the preface to its report. The *Chronicle's* version was reprinted in *Parl. Reg.*, xxxiv. 477–86 and with some amendments in *Parl. Hist.*, xxx. 378–87. MSS. at Sheffield, Bk. 10. 8 appears to be a draft for this speech, covering three sheets; Bk 10. 73 consists of three sheets of notes for it. Notes in Bk. 10. 62 seem to be related to this speech.

Both British ministers and some of their French counterparts had hoped to avoid an Anglo-French war. Contacts between the two countries were maintained through a complex set of intermediaries, but produced no concrete results. The execution of Louis XVI on 21 January heightened tension. When the French Ambassador was expelled from London, France decided to invade the Dutch Republic and on 1 February to declare war on Britain. A royal message announcing the outbreak of war was presented to the Commons on 11 February, and on the 12th Pitt, apparently the worse for drink,<sup>4</sup> moved an Address on it in a long speech. Fox replied also at length and after Dundas had replied to him, Burke spoke. He set out his case that the war with France was by no means a conventional eighteenth-century war for territorial gains or mercantile profit, but an ideological war against a French system that threatened totally to subvert Britain's way of life. Britain's aims must not be merely to contain French aggression; they must be to destroy the revolutionary order in France.

<sup>1</sup> This man is black, oh Roman. I warn you to beware; Horace, *Satires*, I. iv. 85.

<sup>2</sup> *Parl. Reg.*, xxxiv. 233.

<sup>3</sup> *Ibid.* xxxiv. 234; *Diary*, 3 Jan. 1793.

<sup>4</sup> J. Ehrman, *The Younger Pitt: The Reluctant Transition*, London, 1983, p. 257.

Mr. BURKE began a speech of two hours and a half (comprehending a vast variety of matter, chiefly relating to the proceedings, principles, and views of the French) with declaring, that, in his opinion, his Majesty's Ministers had clearly and explicitly justified their own conduct. The Right Honourable Gentleman on the same Bench with him, who moved the amendment to the Address, in framing his motion, seemed to get into the situation which all those must do who wish apparently to reconcile what is essentially contradictory:—it had, indeed, the appearance of a stratagem—he would vote an Address, enabling the Executive Government to carry on War, although he did not approve the conduct of Ministers.<sup>1</sup>

The Right Honourable Gentleman had, on a former occasion, lamented the smallness of his party, and it now seemed as if that party endeavoured to make amends for the smallness of their numbers by the discordance of their voices.<sup>2</sup> He imagined some of them would find it difficult to account for their conduct, in opposing the measures of Ministers on the present critical occasion.<sup>3</sup> In their censures on France gentlemen had shewn a great deal of dexterity; but it certainly had too much the appearance of stratagem. The Right Honourable Gentleman (Mr. Fox) had complained of the misrepresentation of his expressions in that House<sup>4</sup>—to him it appeared very extraordinary how a person of talents, so clear, so powerful, and so perspicuous, could possibly be misunderstood—how a person who took so much pains by repetition, and going over the same grounds again and again, to bring his superior powers to the low level of the vulgar eye, could possibly be subject to misrepresentation—how a Gentleman, whose friends out of doors neglected no human art to display his talents to their utmost advantage, and to detail his speeches to the Public in such a manner, that he, though a close observer of the Right Honourable Gentleman, had never been able to recollect a single idea of his that escaped the industrious

<sup>1</sup> Fox's amendment pledged the House's support for measures both to repel 'every hostile attempt against this country' and to do everything possible to bring France to 'terms of pacification'. He explained that he was being asked to support the Crown in a war that had already begun, which he was willing to do, but he would closely watch ministers by whose 'misconduct, we had been forced into a war' which should have been avoided.

<sup>2</sup> Only 37 members of the Whig opposition had voted with Fox on the division on the previous day (F. O'Gorman, *The Whig Party and the French Revolution*, London, 1967, p. 114).

<sup>3</sup> On the previous day a group of Whig opposition M.P.s had committed themselves to supporting the government's policies (Mitchell, *Disintegration of Whig Party*, p. 212).

<sup>4</sup> Fox had spoken of 'the bold misconstructions of his sentiments and arguments to which he had been accustomed'.



attention of his friends to disclose to the Public,<sup>1</sup> while those of a Right Honourable Friend of his (Mr. Windham), whose abilities were equal to his virtues, were so mangled and so confused in the reports that were made of them, as to be utterly unintelligible to the Public. But that the Right Honourable Gentleman should be misrepresented or misunderstood, under such favourable circumstances, was hard indeed. The Right Honourable Gentleman had said that he hoped he was not reputed an advocate for France.<sup>2</sup> To this he would say, that if the cause of France was an honest cause, it was justice to this country, and to mankind, to undertake her defence. The true skill of an Advocate was, to put forward the strong part of his Client's case, and gloss over or hide the weak; to exhibit all its right in the brightest point of view, and palliate the wrong; when he could no longer palliate, to contrive that the punishment should be as slight as possible, or to bring his Writ of Error, and by every quirk evade it as well as he could; and no man possessed that power in a greater degree than the Right Honourable Gentleman. To his speeches he always attended with admiration and respect; that which he had just heard on the present occasion, he could not help estimating at a less account, as he had read every part of it in Mons. Brissot's speeches in the National Convention,<sup>3</sup> one part only excepted, and that part was, "that France had used every means to conciliate the regards and good-will of Great Britain."<sup>4</sup> The Right Honourable Gentleman had taken great pains to acquit himself, and apologise for his vehement endeavours to exculpate France from the charge of aggression: he professed that he was almost at a loss to see what it was that made him so prompt to exculpation. If France meant nothing but what was good, and England nothing but what was bad, he certainly owed no apology

<sup>1</sup> Burke was probably referring principally to the extensive reporting of Fox's speeches in the *Morning Chronicle*. Some of his speeches were published as pamphlets, as was his *Letter . . . to the Worthy and Independent Electors of Westminster*, London, 1793.

<sup>2</sup> At the beginning of his speech Fox had said that 'it would ill become the duty which he owed to his constituents and to the nation, to decline meeting the imputation of being the abettor of France'.

<sup>3</sup> As the dominant member of the Convention's Committee of General Defence, Jacques-Pierre Brissot exercised a powerful influence on the shaping of the French foreign policy, generally towards war. On 12 January 1793 he had presented a report to the Convention 'Respecting the Disposition of the British Government towards France', aimed at refuting British complaints against France, which was widely cited in the British press and in Parliament. On 1 February Brissot had produced the report that made the case for France's declaring war on Britain. Brissot had made contacts with Whigs while living in London in the 1780s and Burke suspected that these contacts were continuing. Burke's view of Brissot was that 'There is no wickedness, if I am rightly informed, in which he is not versed, and of which he is not perfectly capable' (*Thoughts on French Affairs*; vol. viii, p. 382).

<sup>4</sup> No report of Fox saying these words has been found. Fox's general line of argument was that Britain's complaints against France did not provide a justification for going to war. The government's real reason was, Fox thought, to restore the French monarchy on its old basis.

for the part he took in her cause. But to take the Right Honourable Gentleman's speech in a serious view, it insinuated that the charge of the French was, That the King of Great Britain had brought on, or determined on war against the sense of his Ministers, against the sense of the Parliament, and against the sense of the people, in order to augment his own power. If this was the case, Ministers had betrayed their country by their acquiescence, and it was the duty of the House to address the King to remove them, and put into their place those whom they thought more fit for advice, more fit to do the duty of a Minister, and more likely to possess the confidence of the nation, if such there were. The Right Honourable Gentleman had contended, that when Ministers brought the nation into war, they should declare how they intended to prosecute it; to what degree they intended to carry it, and what the object of it was.<sup>1</sup> For his part, he had never heard or read of any such principle in theory, or of any such practice. The first question he conceived to be, whether there was just cause or foundation for the War? The second, how it should be carried on to the greatest effect? He said, that in no instance whatever had any power, at the commencement of a War, declared what period was intended to end it, what means to carry it on, or what the object of it was. It was contrary to the policy of this and every other country; it was never heard of. In this, and in every case of the kind, the common object of the alliance should be pursued to gain the grand end. War had been declared by the French; but they had not declared that they did not intend the ruin, the destruction, and total subversion of this country, and every establishment in it. Was it pretended that they had done, in declaring war, that which Gentlemen had prescribed as the duty of this country? No, they declared war with the professed intention to bring it in the most formidable shape, attended with insurrection and anarchy, into the bowels of this country, to strike at the head of the Stadtholder,<sup>2</sup> and to put no limits to their views in the war, while Gentlemen would have Britain cramped and tied by a premature declaration of her object. As to the sentiments of the Right Honourable Gentleman respecting the declaration of a specific object of the war; as well as the delicacy of interfering in the internal Government of France, were they adopted by the House, this should be their language—"France! you have endeavoured to destroy the repose of all the countries of Europe, and

<sup>1</sup> Fox complained that 'we were at war' but ministers did not dare to 'avow the causes of it, nor tell us on what terms peace might have been preserved'.

<sup>2</sup> William V (1748–1806), Stadtholder of the Dutch Republic.

particularly of England: you have reduced your own country to anarchy and ruin, and murdered your King; nevertheless, you may be assured, that, however horrible your crimes, though to the murder of your King you should add that of his infant son,<sup>1</sup> his unfortunate Queen<sup>2</sup> and sister,<sup>3</sup> and the whole remains of his family, not one hair of your heads shall be hurt. You may war against us, threaten us with destruction, and bring ruin to our very doors, yet shall you not be injured.”—Was ever, he exclaimed, such a declaration made in such circumstances? Much pains had been taken by the Right Honourable Gentleman to make light of the power of France, and to persuade the House that there was nothing to be feared from it. He would answer this by shewing what the Right Honourable Gentleman had said on a former occasion—Here he began to read a part of a speech spoken by Mr. Fox on the Commercial Treaty, strongly demonstrative of the necessity of keeping down the overgrown power of France—<sup>4</sup>

The Speaker called Mr. Burke to order; it being disorderly to read any debate on a former occasion.

Mr. Burke said he would beg leave to read from a pamphlet in his hand. The House called read! read! Here he read from a speech of Mr. Fox’s, that the effect of all our Wars had been carried on with a view to repress the power of France, and to support all the other powers of Europe against her; that France only changed her means, but that her ends were ever the same—

The SPEAKER again interrupted Mr. Burke, and requested that he would abstain from reading, as he knew it was against the orders of the House.

Mr. BURKE said he could not but lament that the rules of the House sometimes weakened the force of argument; but he considered order to be so far more necessary than argument, that he would willingly forego the latter to maintain the former. To return, therefore, to his argument, without the conclusive aid he should derive from the gentleman’s own language, in the book in his hand, he contended that the whole body of policy of this country for ages was, that whatever country was the enemy of France, was naturally the ally of Great Britain. If that opinion was founded in true policy before the Revolution, “let us try,” said he, “what reason there is to alter that opinion since.” If the new Republic have shewn

<sup>1</sup> The Dauphin, now Louis XVII, died in confinement in 1795.

<sup>2</sup> Marie-Antoinette (1755–93) was to be put to death in the following year.

<sup>3</sup> Elisabeth-Philippine-Marie-Hélène de Bourbon (1764–94). She was killed in 1794.

<sup>4</sup> Presumably Fox’s speech of 12 February 1787, *Parl. Reg.*, xxi. 179–81.

no disposition to increase her dominions, if she has not annexed Savoy, Avignon, Liege,<sup>1</sup> Nice,<sup>2</sup> &c. to her territorial possessions, if she has not declared war against all subsisting Governments, and confiscated the properties of all corporations, if she had not held out the mask of confraternity as a signal and temptation to rebellion in all countries, but particularly in England, then statesmen have a right to change their opinions and systems of policy with respect to her.

Unlimited Monarchy, the Right Honourable Gentleman had said, was the object against which France directed the shafts of enmity.<sup>3</sup> But he would be glad to know whether Gentlemen would pretend to say that she was a friend to limited Monarchy? No; she was an enemy to limited Monarchy, as Monarchy, and to the limitation, as limitation. The aristocracy of this country, all corporations, all bodies, whether civil or ecclesiastic, were the objects of her enmity. She shewed the most determinate malice, in the most express terms, against all parts of the British Government, equally to those that limit or support Monarchy; not to this or to that, but to the whole. If conquered by Louis XVI, we might be sure of our established forms being unmolested; but if by her, of total extinction.<sup>4</sup> Gentlemen had, with much pertinacity, asked, "Have you asked satisfaction for this?"<sup>5</sup> This, he contended, was all an error, either of misconception or of will. The acts of France were acts of hostility to this country; her whole system, every speech, every decree, and every act, bespoke an intention preclusive of accommodation. No man, he would venture to say, had a more lively sense of the importance of the question before the House, or of the evils of War, than himself; a War with France, under such circumstances as now governed her conduct, must be terrible, but Peace much more so. A nation that had abandoned all its valuable distinctions, arts, sciences, religion, law, order, every thing but the sword, was most formidable and dreadful to all nations composed of citizens who only used soldiers as a defence; as such, France should be resisted with spirit, vigour, and temper, without fear or scruple. In a case of such

<sup>1</sup> Liège had been ruled by a Prince Bishop.

<sup>2</sup> Nice had been part of the Kingdom of Sardinia.

<sup>3</sup> Fox had said that the continental powers were waging a war for the restoration of 'unlimited monarchy' in France.

<sup>4</sup> 'It is a war of dogmas . . . It is not a war who shall have this City or this Island—How shall [we] have so much Sugar or so much Tobacco. It is whether I shall be permitted to breed up my Son in the belief and worship of a god' (MS. at Sheffield, Bk. 10. 73).

<sup>5</sup> Fox had complained that Britain had proposed nothing to France 'as satisfaction for the injury' of its acts of aggression and threats to the Dutch.



importance to this country, and to mankind, as the present, Gentlemen should examine whether they had any sinister motive, as if in the Divine Presence, and act upon the pure result of that examination. He declared he had no hesitation to pronounce, as if before that Presence, that Ministers had not precipitated the nation into a war, but were brought to it by overruling necessity.

"I possess, said he, as deep a sense of the severe inflictions of war as any man can possibly do—

‘Trembling I touch it, but with honest heart.’<sup>1</sup>

I always held it as one of the last of evils, and wish only to adopt it now from the conviction that at no distant period we should be obliged to encounter it at much greater disadvantage. For four years past it has grieved me to the soul, it almost reduced me to death, when I observed how things were going on, and felt my utmost exertions unable to produce upon the Government of the country, or in the public mind, the danger that approached them. At length the infatuation was removed—Ministers awoke to the peril that menaced them ere it was too late; and our enemies, finding those arts fail in which they so much confided, are reduced to attack us in open war, and have declared against us." He should therefore give them his clear, steady, uniform, unequivocal support; not as some Gentlemen did, pretend support on one day, to lessen their authority, impair their power, and obstruct their plans on another, but in the fullest manner he could. If any charge was to be laid to the share of Ministers, it was that of too long delay; but if from that delay any accident should arise from want of timely precaution, he would acquit them of it, knowing, as he did, that it was not possible for them, with prudence, to do otherwise, for had they done it at an earlier period they would not have been supported. In his opposition to the views and proceedings of France for two years, he was convinced he had not the feelings of the nation; nor was it till full-blown mischief had alarmed the people, and roused the King, that the Government could have had a proper support. For his part, he thought himself bound in honour to support Ministers; and, if bound to support them, certainly to oppose those who acted adversely to them. From such men, men who could neither vindicate the principles nor deny the power of France, yet impeded the measures taken to secure us against that power, he

<sup>1</sup> This quotation has not been identified.

differed fundamentally and essentially in every principle of morals, in every principle of manners, in sentiment, in disposition, and in taste. France, he said, had for some time been in a continual series of hostile acts against this Country, both external and internal; first, it directed its pursuits to universal empire, under the name of Fraternity, to overturn the fabric of our Laws and Government; next, it invented a new Law of Nations, subsidiary to that intention; then acted on that Law. Next, it had directed the principal operations of that law to Great Britain; and lastly, established a horrible tyranny within herself, chased every honest person out of it, held out temptations the most seductive to the unenlightened lower order of all countries, and furnished instruments for the overthrow of their government. The putting the King of France to death was done, not as an example to France, not to extinguish the race, not to put an end to monarchy, but as a terror to Monarchs, and particularly to the Monarch of Great Britain. This new-created empire of theirs, Mr. Burke said, was only secondary to the accomplishment of their plans of shaking all Governments. This had been professed out of the mouth of their Minister Cambon. He declared that the limits of their empire should be those that nature had set to them, not those of Justice and Reason; that is to say, the Sea on one side, and the Alps and the Rhine on the other, together with a large cut of the Appenines, and all for the benefit of mankind, of liberty and equality.<sup>1</sup> Should we be deterred by our wealth from resisting these outrages? They directed their invectives and reproaches more at England than any other place. They executed their unhappy, innocent Monarch, whom they well knew to be no tyrant, principally, as they alleged, for a warning to all other tyrants, and an example to all other nations. Even a few hours after the execution of Louis XVI. their Minister of Justice, Garat, addressing the Convention, said, "WE HAVE NOW THROWN DOWN THE GAUNTLET TO A TYRANT WHICH GAUNTLET IS THE HEAD OF A TYRANT."<sup>2</sup> He next read the declaration of the Members who voted for the Death of the King, some saying, "The

<sup>1</sup> In introducing the Decree of 15 December 1792 (see above, p. 541, n. 2) Pierre-Joseph Cambon (1756–1820) had proclaimed in general terms the expansionist aims of revolutionary France in freeing oppressed peoples. According to the report in the *Morning Herald*, 13 Feb. 1793, Burke attributed the description of the natural boundaries of France not to Cambon but to Georges Danton (1759–94), who had described them on 31 January 1793 as bounded by the Ocean, the Rhine, the Alps, and the Pyrenees.

<sup>2</sup> Dominique-Joseph Garat (1749–1833) was Minister of Justice. The phrase that Burke quoted was generally attributed to Danton, as it was by Burke in the *Morning Herald* version of this speech and as he was to do later (see below, p. 560).

Tree of Liberty could not flourish till sprinkled with the blood of Tyrants;”<sup>1</sup> others declaring, “That Kings were no longer useful but in their Deaths,” &c. &c.<sup>2</sup>

Gentlemen had said, that if Lord Gower had been left at Paris,<sup>3</sup> or another Ambassador had been sent in his place, the unhappy fate of the King of France might have been prevented. This, he said, was answered by the fate of the King of Spain’s Ambassador, who had made, at the desire of his Court, a requisition, but was refused.<sup>4</sup> The murder of the King was intended only as a step to the murders of the other Kings of Europe, for they had declared that no monarchical country could have alliance with them: this, too, at the very moment that they were affecting to conciliate and explain away the decree of the 19th of November.<sup>5</sup> War with the Chatteau, and peace with the Cottage, was the plan of their new system: wherever their power extended, they put the poor to judge upon the life and property of the rich;<sup>6</sup> they formed a Corps of Desertion, a Corps of Assassination, and gave a pension to the wife and children of the assassin that was put to death for attempting to murder the King of Prussia.<sup>7</sup> They declared all treaties with despots void;<sup>8</sup> they were outlaws of humanity, and *uncommunicable* people, who acknowledged *no God but the sacred right of insurrection*, nor any law but the Sovereignty of the People, nor had any judges but *Sans Culottes*, whom they made arbiters of the lives and properties of all.<sup>9</sup> As to the rights of the poor, he hoped he understood them as well as the Right Honourable Gentleman; the riches of the rich were

<sup>1</sup> This was said by Bertrand Barère de Vieuxac (1755–1841). A version in English of what he was reported to have said in Burke’s papers (MS. at Sheffield, Bk. 10. 25) gave it as: ‘The tree of liberty, an ancient author has said, grows when it is watered with the blood of every species of tyrant.’

<sup>2</sup> The debate in the Convention on the sentencing of Louis XVI was widely reported in the British press. A letter from Antoine-Christophe Merlin (1762–1833) proclaimed that ‘the death of the tyrant can alone serve as an example to other Kings, . . . despite of what Mr. BURKE may say’ (*World*, 17 Jan. 1793).

<sup>3</sup> George Granville Leveson Gower (1758–1833), styled Earl Gower, British ambassador in Paris, had been recalled on 17 August 1792. Fox had been pressing for an ambassador to be sent to Paris.

<sup>4</sup> The Convention refused to consider an appeal for clemency by the Spanish chargé d’affaires in Paris.

<sup>5</sup> Messages had been sent to Britain with assurances the decree of 19 November was not an incitement to universal revolution.

<sup>6</sup> The slogan ‘guerre aux châteaux, paix aux chaumières’, is usually attributed to Sébastien-Roch-Nicolas Chamfort (1741–94).

<sup>7</sup> Frederick William II.

<sup>8</sup> Burke is referring to Brissot’s report on Geneva on 21 November 1792 in which he ‘hinted, that the secret of the French Revolution . . . was to renounce every treaty with despots’ (see below, p. 591, n. 1).

<sup>9</sup> In his report, Cambon had written that the *sansculottes*—that is, urban labourers—rather than the former magistrates, should be involved in the new administration of the conquered territories.

held in trust for the poor;<sup>1</sup> this the common people little understood, nor could they be made to understand it, if people held out false communications to corrupt them.<sup>2</sup> Here he read a part of a letter from Dumourier, *General of the Bare-breeched Corps*, to Anacharsis Cloots, *Orator of the Naked Posteriors*; in this letter, after describing the blessings of Atheism, and that which he called Liberty, he says, "These are the sweets of philosophy! What pity it is that bayonets and cannon are the necessary means of propagating it."<sup>3</sup> Atheism, he said, was the centre from which ran out all their mischiefs and villainies, and they proceed to establish it with the sword.

He readily allowed that this was the most dangerous war we were ever engaged in—that we were to contend with a set of men now inured to warfare, and led on by enthusiasm and the ardour of conquest to such a degree, that they bartered the arts, commerce, industry, manufactures, and civilization itself, for the sword. The alliances we may form, give, however, a good prospect of subduing them; whereas, were they allowed to proceed, we may singly and in the end become their easy prey. Our riches would be no impediment to us; provided we used them properly, they would more benefit than injure us in a war, provided that, in time of danger, we were more industrious to secure than to enjoy them. He then recited a variety of instances in which the French manifested the most envious and malignant disposition towards this country, and left no effort untried to do it every possible mischief. He read from the *Moniteur* of M. Condorcet<sup>4</sup> an

<sup>1</sup> Fox had said that 'he would be the last to draw a distinction of interest between the rich and the poor; . . . a man who was not immediately possessed of property had as great an interest in the general protection and security of property as he who was'. The *Morning Herald's* version of Burke's rejoinder was that he agreed that 'the rich should not be separated from the poor; . . . for in his mind, the rich held their wealth only in trust for the poor; but it would be very difficult to convince them of that proposition when immediate plunder was offered to them'. Burke was to return to this theme in his speech of 4 March, see below, p. 573, n. 4.

<sup>2</sup> Fox had rejected accusations that he and his allies were 'sowing disaffection among the people, because they wished to inform the people what were the true grounds of the war, which they were called upon to support with their property and their lives'. He believed that there would be great 'public abhorrence' for a war that was rather in 'the cause of Kings than the cause of the people': that is, in Britain's national interest. Burke thought Fox was dangerously irresponsible in appealing to 'the judgments of the most ignorant and the meanest of the people on the merits of the War'. The 'poor labourer and manufacturer' knew that they would 'suffer by War', the causes of which they were 'utterly incapable of comprehending' (*Observations on the Conduct of the Minority*; vol. viii, p. 433).

<sup>3</sup> The text of this letter has not been found, but such a letter was referred to in the press: 'M. Dumourier has written a letter to Anarchasis Clootz, which he entitles thus: "The General of the *Sans-culottes* to the Orator of the *Sans-culottes*" (*General Evening Post*, 27–9 Dec. 1792). Dumouriez was not a professed atheist; Cloots was.

<sup>4</sup> Condorcet was much concerned in the press, but not, it would seem, with the *Moniteur*.



account of the meeting of the “English Friends of the People in Paris—their address to the National Convention; with their fraternal reception, and their toasts after dinner. Of the latter, one was, the health of Citizens Fox, Mackintosh, Sheridan, Paine, Barlow, and the other friends of liberty who enlightened the People of England.”<sup>1</sup> Should we be deterred by our wealth from resisting these outrages? What! exclaimed he, shall we live in a temporary, abject state of timid ease, to fatten ourselves like swine to be killed to-morrow, and to become the easier and better prey? No; God forbid! If we have the spirit that has ever distinguished Britons, that very wealth will be our strength, with which we shall be more than a match for their blind fury. With regard to the means the French have of carrying on the war, the plan of supply they had proposed was worthy of attention. Their Minister stated, that the country had been *purged* of 70,000 men of property, all of whose effects were to be confiscated, to the amount of 200 millions sterling. Thus, like a band of robbers in a cave, they were reckoning the strength of their plunderers.<sup>2</sup> He said that they had two terms for raising supplies—Confiscation and Loan. The common people were relieved by confiscation of the property of the rich; and they reckoned on the confiscation of property in every country they entered, with the *brotherly intent of fraternizing*, as a sufficient supply for their exigencies in that country, and their resource for making War; thus they made War supply them with Plunder, and Plunder with the means of War. The Right Honourable gentleman (Mr. Fox) had spoken with some asperity of an intention in Ministers to restore the ancient Government. He would not compare that Government with the Government of Great Britain; but certain it was, that it would be felicity and comfort, compared to the present state of tyranny exercised in France; for the very same papers out of which he had read the Extracts before, contained the melancholy

<sup>1</sup> On 28 November 1792 the Convention received an address signed by 50 English resident in Paris whose orator congratulated France on its victories and hoped for a closer union between the French Republic and the British nation (*Ancien Moniteur*, xiv. 592–3). Burke had quoted from this in his speech of 13 December 1792 (*Parl. Reg.*, xxxiv. 67–8) Details of their dinner on 18 November at White’s Hotel ‘to celebrate the triumphs of liberty’ and of their toasts appeared in *Morning Chronicle*, 26 Nov. 1792. Fox and Sheridan were not included in the list of toasts, as Sheridan pointed out later in the debate. For a full accounts of the occasion, see D. V. Erdman, *Commerce des Lumières: John Oswald and the British in Paris, 1790–1793*, Columbia, Mo., 1986, pp. 229–34, 299–304, and Goodwin, *Friends of Liberty*, pp. 249–50.

<sup>2</sup> Burke is referring to the report on French finances delivered by Cambon to the Convention on 1 February 1793. His theme was that what he called the ‘anciens privilèges’ would provide France with the resources to maintain its national sovereignty and to spread liberty and equality. He produced a highly conjectural estimate of 69,000 *émigrés* and predicted a sure return of 200 million livres from sales of their property (F. J. B. Buchez and P. C. Roux, eds., *Histoire parlementaire de la révolution française*, 40 vols., Paris, 1834–8, xxiv. 218–19). A summary of the report was published in *Morning Chronicle*, 11 Feb. 1793.

account that 30,000 manufacturers were perishing for want, in Lyons alone.<sup>1</sup> Thus their enormities have produced misery; their misery will drive them to despair; and out of that despair they will look for a remedy in the destruction of all other countries, and particularly that of Great Britain.

Burke was immediately answered by Sheridan, who delivered a sustained attack on him. 'Never', Sheridan said, had Burke 'indulged himself in such a latitude of ungoverned bitterness and spleen' as he had against Fox. He complained of Burke's habit of 'picking out all the hot, wrong-headed, and disgusting things, said or written by individuals in France'. A long debate ended at 2 a.m. with the Address being carried without a division.

## Speech on War with France 18 February 1793

Source: *Parl. Reg.*, xxxiv. 508–15.

The version of Burke's speech in *Parl. Reg.* seems to be based on the longest newspaper report, that in the *True Briton*, 19 February 1793, with some small but significant additions. It was reproduced with amendments in *Parl. Hist.*, xxx. 432–40. The *Diary*, 19 February, also carried a full version. The *Morning Herald*, 19 February, had Burke speaking twice and included material not in other reports. There are three sheets of notes for this speech in MS. at Sheffield, Bk. 10. 84. Notes in MSS. at Sheffield, Bk. 10. 34, 52, and 63 also relate to this speech.

Fox resumed his attack on the government's war policy with five highly critical resolutions. After a long speech, he moved the first one: that 'It is not for the Honour or Interest of Great Britain to make War upon France', either for 'suppressing or punishing any Opinions and Principles' or to establish 'any particular Form of Government' there. Burke immediately responded.

Mr. BURKE said, that he thought no apology was due by the right honourable gentleman who preceded him, either to the House or to him, for fatiguing them.<sup>2</sup> For himself, he never was one of those who felt pain in hearing the right honourable gentleman upon any subject but one—and that was, the business now before the House; that of French politics and French principles. Upon any other topic, however disposed the gentleman might be to repeat what he had said before, being a repetition of such excellent matter as always fell from the right honourable gentleman, he should be delighted to hear it. *Decies repetita placebit*.<sup>3</sup> The copy of such

<sup>1</sup> On 3 November 1792 the Convention received reports that '30,000 artisans were without bread' at Lyons.

<sup>2</sup> Fox had said that he had been condemned in the previous debate for repeating the same arguments and he hoped that he would not again be accused of repetition.

<sup>3</sup> Though repeated ten times, it will continue to please; Horace, *Art of Poetry*, 365.

an excellent original, though copied an hundred times, must be received with pleasure—But when the right honorable gentleman stooped to imitate wretched French daubers, he could not perceive such imitations, he confessed, with satisfaction. He would rather see the copy of the right honorable gentleman himself, though a thousand times repeated, than a copy of such an original as Brissot;<sup>1</sup> and he would aver, that there was not an argument used, or a proposition that had this night been made to the House, that he had not seen in French papers declared to be such arguments and such propositions as would be offered to that House. Whether this strange coincidence arose from accident, or whether the opinions he alluded to were taken by Brissot and the right honourable gentleman, one from the other, or grew out of one common stock, he could not pronounce—the House must judge of that.<sup>2</sup>

The House, he said, had been this night treated by the right honourable gentleman with much new matter. It was the first time he had ever heard of any gentleman's having, while he endeavoured to procure an address to His Majesty, deprecating one war as an arduous one, laid grounds before the House to induce them to enter upon another war, about a place in another and a remote part of the world.<sup>3</sup> For his part, he never thought Poland, nor did he conceive that she was ever before considered, of such consequence, or so intimately connected with the interest of Great Britain, as to undertake a war on her account. People, he insisted, in all situations, but particularly nations, must, and ever would, have a predilection for their own safety. What though the King of Prussia took Thorn and Dantzick?<sup>4</sup> (a circumstance that he by no means approved of); and what though the Empress of Russia overturned the Government of Poland?<sup>5</sup> (which he declared he as little approved of); yet those were not so near nor such pressing concerns as that of France getting possession of the countries she

<sup>1</sup> According to the *Morning Herald*, 19 Feb. 1793, Burke said that Brissot was 'the most virtuous of pickpockets' and said that he had given rise to a new word: '*Brisotter*', which meant to pick pockets.

<sup>2</sup> Burke is implying that the Foxites were coordinating tactics with the Girondin faction. This is most unlikely, but expressions of regard by Fox and his friends for individuals like Brissot or Roland, whom they were said to believe to be 'good Whigs' (Mitchell, *Disintegration of Whig Party*, p. 193), gave some apparent plausibility for such speculations.

<sup>3</sup> Fox had said that if the 'rights of neutral nations' and 'danger to be apprehended from the aggrandizement of any power' were reasons for going to war, these reasons would apply to the case of Poland being invaded by Russia and Prussia. One of his resolutions condemned ministers for not making 'any remonstrance' about Poland.

<sup>4</sup> Burke is describing the second partition of Poland, formally agreed between Russia and Prussia on 23 January 1793. Torun and Gdansk had been annexed by Prussia.

<sup>5</sup> In 1792 Catherine II had intervened in Poland in alliance with conservative Poles to suppress the Constitution of 1791 that Burke had warmly commended in the *Appeal*.

had done, and daily augmenting her power. Nations, he said, were not to sit like Judges, to act with perfect impartiality, in exclusion of all ideas of self: Their first duty was to take care of themselves; and that of England particularly, was to have a watchful and jealous care of the aggrandizement and encroaching movements of France. France was near; Prussia and Poland were distant; and unless there were apprehensions of the injury to Poland ultimately reaching England, there was nothing that rendered it expedient for her to interfere. England saw Sweden overturn the Constitution of Poland;<sup>1</sup> she afterwards saw the Czar depose Stanislaus, and put Augustus on the Throne of that kingdom.<sup>2</sup> In short, she saw various revolutions in Poland, and ultimately a partition of it,<sup>3</sup> and never stirred a hand: nor did the right honourable gentleman himself ever propose any interference, till the moment that the hostile and dangerous proceedings in France called for the whole force and energy of the country to be directed against her. This mode of acting, he said, was new and unprecedented. When war was declared by France, and every multiplied offence offered against Great Britain, when every principle she adopted, and every act she did, should be condemned and resisted; to censure that resistance, to turn the attention of the House to a remote part of the world, and neglect the balance of power at and near home, was to him inexplicable conduct.

The right honourable gentleman, he observed, had of late the extraordinary disposition to find France always just. Though, by taking possession of Geneva and Basle,<sup>4</sup> she had destroyed the independence of Switzerland; though, by taking Mentz,<sup>5</sup> she had secured to herself the navigation of the Rhine; though, by entering, and, under the mask of friendship, taking possession of the Low Countries, she had aggrandized her power beyond all safe bounds; and though, she had, under the same mask, entered Savoy, annexed it to her dominions, and planted the steril tree of liberty in that steril soil; and though she had ultimately declared war against Great Britain, France was still most just, and Great Britain was always wrong. In short, in conformity to the right honourable gentleman's doctrines, France should be nominated France the just.

<sup>1</sup> Charles XII of Sweden (1682–1718) invaded Poland in 1704 and forced the abdication of Augustus II (1670–1733) for Stanislaw Leszczynski (1677–1766).

<sup>2</sup> In 1733 Russia enforced the claims of Augustus III (1696–1763) as King of Poland over those of Stanislaw Leszczynski.

<sup>3</sup> In 1772.

<sup>4</sup> There had been French-influenced popular uprisings in both the Republic of Geneva and the Bishopric of Basel. New regimes had been established on French principles.

<sup>5</sup> In 1792 French troops had occupied Mainz, driving out its Archbishop Elector.



When gentlemen attempted to impress on the House an idea, that England should not interfere with the internal Government of France, it would naturally occur, he said, that reciprocity should be looked for: that is to say, that France should not interfere in the internal Government of England. Was this the case? No. Could any one read the proceedings of the French Convention, without seeing that they granted indemnities for murder, lest the punishment for murder and assassinations there, should discourage a spirit of revolt in this country? Did this, he asked, look like intermeddling with the internal Government of England or not? But the other day, said he, Danton declared in the Convention, that they had thrown down a King's head as a gauntlet to the Kings of Europe;<sup>1</sup> and that the scaffolds erected in Westminster Hall for the eternal trial of Mr. Hastings, would serve for the Ministers,<sup>2</sup> and even (he felt, he said, an almost insuperable objection to express it) even for George himself! If the punishment of Ministry be necessary, France should leave it to ourselves to determine it; and, by not presuming to interfere with us, teach us not to interfere with her. When they passed the sentence for the sacrilegious murder of the best King that ever governed that country, some few objected to the policy of the murder, and gave as their reason, that possibly it might put their friends in England and Ireland out of humour with them, and prevent their views on this country.<sup>3</sup> Did this look like an intention of interference with the internal policy of this country or not? Did this deserve the encomium lavished upon them by the right honourable gentleman? If he did not know the purity of the right honourable gentleman's intentions, he should consider what he had said to be an encouragement to France to proceed in her designs to promote insurrection and anarchy in this country.

The right honourable gentleman had remarked, that in supporting the Ministers in this war, there were two parties, each having a separate ground of reasoning; one, the *malus animus*<sup>4</sup> of France; and the general internal

<sup>1</sup> See above, p. 553.

<sup>2</sup> Burke is quoting from a Report on the Conduct of England towards France by Brissot, delivered on 1 February 1793. 'The farce of the eternal trial of Hastings will not be renewed, and the scaffolds will once more be of use for the Straffords and Lauds [Thomas Wentworth (1593–1641), 1st Earl of Strafford, and William Laud, Archbishop of Canterbury, both executed by the opponents of Charles I] of the present government' (quoted in *Star*, 9 Feb. 1793).

<sup>3</sup> François-Xavier Lanthenas (1754–99) had argued for sparing the King's life, since this would prevent the British government from forcing the brave English who are today our brothers into a war with France (*Ancien Moniteur*, xv. 203). Thomas Paine, perhaps the most eloquent advocate of clemency for Louis XVI, seems not have used this argument.

<sup>4</sup> Evil disposition.

disorder in that country; and the second, the actual aggressions without reference to the other.<sup>1</sup> He declared, that whatever opinion he broached, or whatever he said or did, committed no one but himself; he spoke only his own sentiments, he took from no one but himself, and he acted on his own single opinion. If he had stated the internal policy of France as a ground for war, it did not preclude him from the right of taking the aggression as a ground also.

The House might at one time reject that which necessity might afterwards oblige it to adopt; and it might yet be found expedient to interfere in the internal Government of France, by way of retaliation. For his part, he considered them to be robbers, and that they ought to be treated as such. Gentlemen might cavil at the word; but he still would repeat it, as the pirate told Alexander, that it was only because he had a greater army that he was not called a pirate too.<sup>2</sup> So they, he said, were robbers, but, under cover of their forces, lost their true distinguishing appellation.

His reasons he had given on many occasions, and he would now give them again. His principal objection to France was her internal situation, and her disposition to pull down and destroy all states about her. So far from settling a Constitution, they had put all locality of Constitution out of the question; and, instead of confining their views to settle that of their own country, were for giving a Constitution of fraternity to all the world.

The right honourable gentleman had said, that the French might perhaps be got by negociation to repeal the decree of the 19th of November:<sup>3</sup> but would the right honourable gentleman presume to say, or could the House expect, that they would repeal all the decrees and acts they had passed since that time, every one of them confirming and following up, in express terms, the spirit of that decree? If they did, they must abrogate all their proceedings. The right honourable gentleman, he said, took no notice of the decree of 15th December;<sup>4</sup> not a word of that. He, for his part, conceived it to be a thousand times worse than that of November; for it went to subvert the whole state of Mankind. For this they had not even offered any satisfaction; and though they have declared war, and pretended to assign reasons for it, they have not declared any end they have in view. For England, therefore, to declare her's, would be to fight upon unequal

<sup>1</sup> Fox had argued that there were 'few indeed that would venture to defend' making war on France on account of 'the internal Government of their country'. What the French had done 'beyond the their own country, and affecting the interests of us and our allies', was 'the only principle on which the necessity of the war could be truly defended'.

<sup>2</sup> The story of Alexander and the pirate was related by St Augustine in *The City of God*, bk. iv, ch. 4.

<sup>3</sup> See above, p. 521, n. 3.

<sup>4</sup> See above, p. 541, n. 2.

terms—as if a man should fight with single rapier, or rather with shield alone, against sword and shield. This doctrine, he insisted, though repeated an hundred times, was still new, unprecedented, and irrational.

The right honourable gentleman calling the King of Prussia a swindler, he thought to be highly improper and disrespectful, as he was an ally of Great Britain.<sup>1</sup> France was in a different predicament, and, exclusive of her enormities, was an enemy: besides, she had vilified the King and Constitution of England, and was therefore a fit object for opprobrium. But to abuse the King of Prussia was neither politic nor decorous. Indeed the *sans culottes* language seemed now to have become the *bon ton*. The word despot was a new epithet in diplomatic language. He reminded gentlemen, however, that this country had made alliances with some of the greatest despots on the earth: in treating, they never inquired what the characters of the Princes with whom they treated were: the only question they considered was, whether that Prince could be useful in a confederacy against France? And this was a policy to keep down the aspiring ambition of that country.—The Grand Alliance was formed to interfere with the internal Government of France, and to force Louis XIV. to call the States General.<sup>2</sup> In short, he said, the arguments used by the right honourable gentleman were such as, had they come from any other person, he would not have troubled himself, or taken up the time of the House, with answering. The whole of them with which the House had been surfeited, were hashed up in a variety of ways, in every form that the right honourable Cook could think of, and crammed down their throats. For his part, however skilfully they were dressed, he wished rather to resort to plain British food, and to go back to the Grand Alliance.

He confessed, that his taste was either too coarse or too refined for the medley dished up of such diversified materials. He would prefer infinitely a solid English dish; a slice of good roast beef to a spoonful of *soup maigre*. Ministers, he wished it to be considered, were not bound by what he said, he having no connection with them. However he hoped that he could not be justly accused of rashness in any thing he had offered. Of all men, an old man who had seen the vicissitudes of life should be most cautious of giving rash counsel. It could not well be thought that a man so very old as he was,

<sup>1</sup> Fox had said that there was 'little inducement' for Britain to 'unite with the King of Prussia, who had violated not only principles, but an express treaty'. Prussia was allied to Britain in the Triple Alliance of 1788.

<sup>2</sup> For the Grand Alliance, see above, p. 293. Burke's interpretation of it as being intended to bring about constitutional change in France seems fanciful.

could have any personal gratification or interest in plunging his country into a war, merely to oppose

“That Mountain Nymph, sweet Liberty.”<sup>1</sup>

[This he quoted in allusion to the galleries of the National Convention, generally called the Mountain.]

This House, he said, had already, by a solemn vote, given its fiat to the war; and now the right honourable gentleman called upon it to disavow the principles upon which it had grounded that vote. For his part, he still voted for war, and was insuperably averse to treating, and he would give his reasons for it. In doing so he trusted that the House would give him credit for the proofs which he could, and would, if called upon, bring in establishment of what he should advance.

And, first, he contended for it, that France was not at present in a communicable or negotiable situation. She was in a state of anarchy; for he held it to be the very essence of anarchy, that no man could answer for another, nor no race of men bind their successors. Who then could we negotiate with? Not with the provisionary Executive Council of France: their very title shewed that they had not power to treat: they had no power, either by delegation or usage. Like the Decemvirs of Rome, they were delegated to form a Constitution,<sup>2</sup> and refer the result of their proceedings to the forty-eight thousand Republics of France. He strongly contended that there was no power constituted in France that could treat, for they declared themselves to be unalienable with other States. In every country in the world there was some one man or body of men that were known to have powers to treat—in France there was none.

Roland he had once before described as a factious traitor, who had deceived the confidence of his King, and led him on to ruin.<sup>3</sup> Le Brun<sup>4</sup> rose to the rank of a Minister of State from being an obscure scribe in Liege; afterwards a journalist; from which station he was promoted to

<sup>1</sup> Milton, *L'Allegro*, 36.

<sup>2</sup> Ten Roman magistrates deputed in 451 and 450 BC to draw up a code of laws.

<sup>3</sup> Burke probably used these words about Roland, whom he regarded as having played a malign role both in the overthrow of the monarchy on 10 August 1792 and in the September massacres (*Preface to Brissot's Address to his Constituents*; vol. viii, pp. 503–13) in his speech on the Address of 13 December 1792. He then denounced ‘the morals’ of a list of ‘the present legislators of France’ (*Parl. Reg.*, xxxiv. 67). Although Roland’s name does not appear any report of the debate, Burke’s notes for his speech included him (MS. at Sheffield, Bk. 10. 71). Fox was evidently responding to what Burke had said about Roland when in the next day’s debate he called him ‘a man of the strictest honour, and the most unsullied integrity’ (*Parl. Reg.*, xxxiv. 80).

<sup>4</sup> Le Brun had been French Foreign Minister from August 1792.



a higher department in a newspaper.<sup>1</sup> From Liege he was driven, with disgrace, to grace the Senate and Executive Administration of the French Government.

Roland was surely not of consequence enough to take the whole Government of France on himself. Le Brun was the son of a Swiss porter,<sup>2</sup> and, he should conceive, not of that imposing dignity to supply the place of all Government. Condorcet, though the most humane of all murderers, and Brissot, the most virtuous of all pickpockets, were not of weight enough, he thought, to assume the power. "It therefore," said he, "comes to Monsieur Egalité, alias d'Orleans,<sup>3</sup> and if you treat with him, with all my heart." As to Dumourier, he could not answer for the obedience of his army, relaxed and weakened as all government was; therefore he was out of the question.

As to Chauvelin,<sup>4</sup> his being received here was the greatest instance of compassion to the unfortunate King of France. The black ingratitude that marked the character of that man must gain him the abhorrence of every honest person living. His father<sup>5</sup> was a servant of the King's,<sup>6</sup> and died one day suddenly in attendance: the King took him, then only five years old, under his protection, put him in his father's place, and reared him up; and the return he made him was to join the band of wretches that afterwards murdered him. In short, upon a minute examination of the conduct of the whole National Convention, he could not see one that was not stained by the most infamous crimes. In the whole groupe, taking Roberspierre, Santerre,<sup>7</sup> and all, the only man of any degree of honour among them was the hangman. This poor fellow had some degree of feeling, from which his colleagues were exempt: he had the spirit to refuse executing the King himself, though he was at no loss for deputies.<sup>8</sup>

<sup>1</sup> The *Journal général de l'Europe*, a journal committed to propagating enlightened ideas, published in Liège and in the Austrian Netherlands. Le Brun was forced to take refuge in France in 1791 when the republic in Liège was suppressed.

<sup>2</sup> Le Brun's father, Christophe-Pierre Tondou, was a French merchant of substance.

<sup>3</sup> Louis-Philippe-Joseph de Bourbon, Duc d'Orléans (1747-93), now known as Philippe Égalité. Burke's loathing for him was formed early and was unrelenting. 'Should he search the deepest recesses of Hell, where could he find a more complete model of depravity than Monsieur Egalité', he had asked on 13 December (*Parl. Reg.*, xxxiv. 67).

<sup>4</sup> The last French Ambassador in London, whose expulsion triggered off the final crisis that led to war.

<sup>5</sup> François-Claude-Bernard-Louis, Marquis de Chauvelin (1716-73).

<sup>6</sup> He had been a servant of Louis XV and is said to have died of apoplexy at the card table.

<sup>7</sup> Antoine-Joseph Santerre (1752-1809) had been the King's jailer.

<sup>8</sup> The official executioner, Charles-Henri Sanson (1739-1806), was said to have been reluctant to participate in the execution of the King, although he eventually did so.

He then described the marked indignity offered to the King of Naples in sending a common grenadier to command an interview with him in his own palace, and the cavalier manner in which the low republican domineered over him.<sup>1</sup> This proceeding he represented as a marked insult upon all the Kings in Europe.

While gentlemen talked of negotiation, he should be glad to know what gentleman in England would go to France as Ambassador; he knew of none: he was sure the right honourable gentleman would not; he had too great a concern for his personal feeling: but statesmen were often willing to send others on a forlorn hope, on which they would not go themselves.

The right honourable gentleman had, with much flippancy, talked of the law of nations:<sup>2</sup> he wished to know on what law the French could be expected to treat; they had made a new law of nations of their own, and declared all treaties between kings (or, as they call them, despots) void.<sup>3</sup>

He declared he was at a loss to think, and it was very odd, that gentlemen should consider his opinions on French affairs hostile to them. He was attached to the old system—"To it," said he, "I owe every thing I possess: under it, and the sanction of piety, I have received my education; it is natural to me, therefore, to have such opinions."<sup>4</sup>

Gentlemen, he said, who were so charmed with the lights of this new philosophy, might say that age had rendered his eyes too dim to perceive the glorious blaze. But old though he was, he saw well enough to distinguish that it was not the light of heaven, but the light of rotten wood

<sup>1</sup> From a French naval squadron off Naples, Charles-Godefroy Redon de Belleville (1748–1828) was deputed on 8 November 1792 to demand satisfaction from the King of Naples for derogatory comments said to have been made about the French emissary to the Ottoman Porte and for Naples's unwillingness to send an ambassador to the French Republic. Although Belleville wore the uniform of a grenadier of the National Guard and used republican language in public, he was far from being a 'common grenadier'. He had served ministers under the old monarchy and had a diplomatic career ahead of him. In the face of threats of action by the French fleet, the King of Naples conceded most of the demands Belleville made on him. Later in the debate, in contesting Burke's account of what had happened in Naples, Charles Grey insisted that if Burke had been 'in the habit of perusing any other French Newspaper, except that of the *Moniteur*, he would have seen a complete contradiction of the whole affair'.

<sup>2</sup> Fox had said that: 'He had since looked into the writers on the Laws of Nations, and by all the most approved, it was laid down as an axiom, that injuries, be they what they may, are not the just cause of war till reparation and satisfaction have been fairly and openly demanded, and evaded, or refused.' He complained that ministers had not done this.

<sup>3</sup> Burke is referring to views expressed by Brissot, see below, p. 591, n. 1.

<sup>4</sup> Burke prepared a eulogium on the 'old system': 'The Wisdom of man is very considerable. The Wisdom of man is never in any *one* individual, nor in any *one* monarch, nor in any *one* collective body—but a long time meliorates and perfects the reason of man—there is a Stock laid up from father to Son the whole of which is wisdom—and therefore those who choose to reject all time before them and to begin the world anew are always wrong—always absurd and always mischievous—' (MS. at Sheffield, Bk. 10. 52).

and stinking fish—the gloomy sparkling of collected filth, corruption, and putrefaction.

So have I seen, in larder dark,  
Of veal a sparkling loin,  
Replete with many a brilliant spark,  
As sage philosophers remark,  
At once both stink and shine.<sup>1</sup>

He concluded by declaring his fixed opinion, that if we continued at peace with France, there would not be ten years existence of stability in the Government of this country.<sup>2</sup>

In replying to the debate, Fox took issue with Burke on several points. What was lacking in Burke's speeches, he said was 'truth'. Fox did not excuse the deplorable behaviour of France 'with regard to neutral and neighbouring Powers'. Burke, he pointed out, was advocating war for an end, that is the restoration of the monarchy, which ministers disavowed. Fox 'had done all he could to prevent War; if it could not be avoided, the next point would be, how to get out of it'. Burke was reported to have spoken in explanation, but no account of what he said appears to have survived. The debate ended at 2.30 in the morning with the defeat of Fox's first resolution by 44 to 270. The rest were rejected without a division.

## Speech on Sheridan's Motion on Seditious Practices 4 March 1793

Source: *Parl. Reg.*, xxxv. 48–54.

The account in *Parl. Reg.* appears to be based on that in the *Morning Chronicle* of 5 March 1793 with some additions, such as the lines from Addison's 'Campaign'. The *Parl. Reg.* version was reprinted with small amendments in *Parl. Hist.*, xxx. 550–6, where it is misdated to 28 February 1793. There is significant additional material in the *Morning Herald*, 5 March 1793. Four sheets of notes for the speech are in MS. at Sheffield, Bk. 10. 74; a draft for the closing section of the speech is in MS. at Sheffield, Bk. 10. 37.

On 4 March Sheridan introduced a motion for an inquiry into 'the real state of the country': that is, into the existence of 'the spirit of tumult and disorder' leading to 'acts of riot and insurrection', as alleged in the royal proclamation of 1 December 1792 that had ordered the embodying of part of the militia. In Sheridan's views there was little evidence for any such thing. He denied that there was a 'faction in this country connected with its enemies' and accused the government of greatly exaggerating the extent of discontent in order to rally

<sup>1</sup> Burke is quoting, with some variants, the concluding lines from 'On the Countess of Dorchester . . . ' by Charles Sackville, 6th Earl of Dorset. Identification by Jeff New.

<sup>2</sup> 'I must repeat it once and for all that if this System can establish itself with the concurrence of the powers . . . The King of England—be it his Majesty or his Successor—*cannot* exist upon his throne' (MS. at Sheffield, Bk. 10. 84).

support for the war and to discredit movements for parliamentary reform. In his view, both the official agents of the state and their unofficial helpers, loyalist association bodies, were committing many oppressive acts against the freedom of the press or the subject's right of free speech or assembly. 'Poor wretches' were in prison for advocating reforms that Burke, Pitt, or the Duke of Richmond had advocated at the end of the American War. Burke, he said, was now 'panic-struck' and had 'taken refuge in the ministerial gaberdine, where he hoped for security from the approaching storm'. Sheridan moved that 'such communications as may have been received, as to the existence of seditious practices' should be referred to a committee of the House.

Sheridan was answered not by a minister but by William Windham, the leading member of those opposition M.P.s who had rejected Fox's leadership and were supporting the government. After Fox had made a short speech, Burke spoke at length. He delivered a prepared attack on Fox's leadership of the opposition since the opening of the session and, even by his own standards, he was reckless in his allegations about individuals, provoking ill-tempered exchanges in the House with Fox and Sheridan and a reply of some force and dignity by Priestley in the press.<sup>1</sup>

Mr. BURKE said, that as they were divided into the alarmed and the alarmists, it was a great addition to his alarm, to hear a great Statesman advance principles, which our Government, and every rational society, totally disclaimed. The right honourable gentleman had said, in substance, that if a domestic faction was combined with a foreign enemy, we must not declare war against the foreign enemy, for fear of strengthening the domestic faction.<sup>2</sup> Very differently had our ancestors thought and acted at the Revolution; in the reign of Queen Anne, of George I. and George II.; at each of these periods there were many persons at home dissatisfied with the Government,<sup>3</sup> but that did not deter Ministers from declaring war against France. To be deterred by any such motive, would be to declare faction triumphant. To the reverse of such policy was it owing that we had been able to preserve our Monarchy, our Peers, and our Commons. Were we to wait till France could turn against us the force of the countries she had conquered and pillaged, for that was her mode of making war; till Dumourier had plundered the bank of Amsterdam, so intimately connected with the bank of England, that they might be said to be the same? The honourable gentleman<sup>4</sup> had opened his motion with his usual gaiety, in a stile of gaiety which in another person, might have been thought to savour of malignity; but his arguments were not very conclusive. If it was said that the Ministers had excited a false alarm, from their terrors of a

<sup>1</sup> See below, p. 569, n. 3.

<sup>2</sup> Reports of Fox's speech do not indicate that he had used such an argument. The closest he appears to have come to it is saying that the war would 'make so many people discontented' (*Morning Herald*, 5 Mar. 1793).

<sup>3</sup> Other reports make it clear that Burke was referring to Jacobites.

<sup>4</sup> Sheridan.



parliamentary reform,<sup>1</sup> it might be asked whence came those terrors? Neither the honourable mover, nor his honourable friend near him (Mr. Grey) though they were always talking of reform, had ever made any motion on the subject.<sup>2</sup> The right honourable gentleman (Mr. Fox) had always declared, that he had never seen any plan of reform of which he thought so well as to propose it to the House,<sup>3</sup> and it was not very candid in any man, who saw it in that point of view, to be goading others to undertake it. The Minister had done more on the subject than any man in the House, more than he thought it wise for any man to do. He had twice moved it in Parliament,<sup>4</sup> and once got it recommended from the Throne;<sup>5</sup> the latter a measure of which he most pointedly disapproved, as tending to make the people believe that they were not properly represented. He had heard many motions for these reforms, and had always opposed, but never dreaded them, while previous steps were not taken to infuse into the people distrust and contempt of their representatives. Whether something might not be done to correct unimportant defects here or there, he neither knew nor cared, while the general system was preserved entire; and to that he feared no danger from sober discussion in that House, independent of factious combinations abroad. The war gave no solid increase of power to the Minister.<sup>6</sup> By it he hazarded much more than he could gain.—He risked that which was the basis of his popularity, his system of finance; and consequently had no motives of personal interest for doing that late which he ought to have done early.—The victorious enemy whom we had to engage, and sorry he was to say that they were victorious, had long been connected with a faction at home, whose object was to force us into an alliance with the French, for the purpose of jointly propagating their mischievous principles. To prove this, he read extracts from the correspondence of the Revolution Society in 1791 with 27 Jacobin Societies in France, and the names of the Members of the Committee of Correspondence for that year, to shew that they were not men of mean

<sup>1</sup> Sheridan had made this charge.

<sup>2</sup> Grey had introduced such a motion on 30 April 1792, see above, p. 478, and was to do so again on 6 May 1793.

<sup>3</sup> See above, p. 480.

<sup>4</sup> In 1782 and 1783.

<sup>5</sup> Burke was presumably referring to Pitt's bill of 1785. There was no mention of parliamentary reform in the King's Speech that year, but Pitt had declared his intention of introducing such a measure in the subsequent debate on the Address.

<sup>6</sup> Sheridan had implied that the Pitt government had exaggerated the danger of insurrection as a pretext for assuming greater powers.

station or inconsiderable influence.<sup>1</sup> To the sentiments contained in this correspondence, all adverse to the Constitution, two persons, not Members of the Society, had put their names in testimony of approbation. These were Mr. Paine and Dr. Priestley—the former now a Member of the French Convention,<sup>2</sup> and the latter, whose great services to philosophy, politics, and religion had not been sufficiently rewarded in this country, was honoured with the citizenship of France, because he declared hostility to the Constitution of England.<sup>3</sup> When he knew that this had been going on for four years, was his alarm to be called a vain alarm? On the 18th of November, a set of Englishmen at Paris presented an address to the Convention, imploring their good offices in new modelling the British Constitution,<sup>4</sup> and on the next day was passed the famous decree for encouraging rebellion in every country.<sup>5</sup> Another Society had made a donation for carrying on the crusade of French liberty, which the Convention was graciously pleased to accept, and promise in return aid and protection to its new subjects.<sup>6</sup> He begged to disclaim such protection. He would not have Dumourier, powerful as he thought him, to protect the British Constitution. He would trust rather to our own Ministers were his opinion of them ten times worse than it was. Messrs Cooper and Watt had presented an address,<sup>7</sup> and carried the British colours in a procession,

<sup>1</sup> Burke is quoting from *Correspondence of the Revolution Society in London with the National Assembly and with Various Societies of the Friends of Liberty in France and England*. Its committee is listed on p. 6. He gave a fuller explanation of his use of this book in *Corr.* vii. 357, where it is wrongly identified.

<sup>2</sup> Paine, made an honorary citizen of France, had been chosen to represent Calais in the Convention.

<sup>3</sup> Priestley published a refutation of Burke's charges in the *Morning Chronicle*, 9 Mar. 1793. He had not signified his approval of the correspondence of the Revolution Society with the Jacobins. It was 'a malignant calumny' for Burke to say that he had been made a citizen of France because of his hostility to the English constitution. 'I have more than once expressed myself in favour of our Constitution, and I call upon Mr. Burke to shew that I have ever written any thing that can by any fair construction, be said to be *against* it.' Moreover, 'I was made a citizen of France at the same time with Mr. Wilberforce and several others; . . . and will Mr. Burke say that Mr Wilberforce was made a citizen of France "because he had declared hostility to the Constitution of this country?" . . . Mr. Burke's sneering at me for "not having been sufficiently rewarded for my great services in *Philosophy, Politics and Religion*," is a mean insult in one basking in the sun-shine of power, on one who is under its frowns. What does Mr. Burke know of my services in philosophy or religion; when the probability is, that he is utterly unacquainted with any thing that I have written on these subjects? . . . When Mr. Burke and I were acquainted, and we used to converse on the subject of politics (for we hardly had any other common topics), our sentiments respecting the Constitution, and the principles of liberty in general, were, as I then conceived, the same.'

<sup>4</sup> See above, p. 556, n. 1.

<sup>5</sup> For the decree of 19 November, see above, p. 521, n. 3.

<sup>6</sup> The Society for Constitutional Information donated shoes.

<sup>7</sup> At the Jacobin Club on 13 April 1792, see above, p. 484.

and on what occasion—the most infamous that ever disgraced the name of Government. A set of soldiers had been tried by a court martial, and condemned to the galleys. These were fit men for the republicans of Paris. They might be useful—though bad soldiers, they might be good murderers. They were released in contempt of the Assembly then sitting, brought to Paris, and paraded in triumph through the hall. On this detestable occasion, Mr. Cooper and Mr. Watt carried the British colours.<sup>1</sup> They were locked in the fraternizing embrace—they received the fraternizing kiss. They went from the Hall of the Assembly to the Hall of the Jacobins, where they kissed the bloody cheek of Marat,<sup>2</sup> the iron cheek of Pluto instead of Proserpine.<sup>3</sup>

What ardent transports thro' their bosoms ran,  
Clasp'd in th' embraces of the godlike Man!<sup>4</sup>

At Manchester a subscription was opened for the widows of the Marseillois who fell on the 10th of August.<sup>5</sup> The massacre of the 10th of August was never called by its proper name; the murders committed on that day, which murdered the Constitution, were not murders, but acts of national justice, of which all were emulous to share the glory.<sup>6</sup> When Brissot, Petion,<sup>7</sup> and their party, had murdered or filled the prisons with their opponents, and obtained powers for themselves, they became all of a sudden great lovers of order; but when another party that wished to supplant them murdered

<sup>1</sup> As deputies from the Manchester Constitutional Society, Cooper and Watt carried an English flag at the fête on 15 April 1792 for the pardoned mutineers at Nancy (see above, p. 513). By a narrow margin the National Assembly had agreed to receive the mutineers.

<sup>2</sup> The reporters seem to have been uncertain whether Burke had said 'Marat' or 'Carra', both names appearing in different papers. At the Jacobin Club on 13 April 1792 Cooper and Watt had been received by Jean-Louis Carra, not by Jean-Paul Marat.

<sup>3</sup> Pluto was the god of the underworld down whose cheek Orpheus's singing 'drew iron tears' (Milton, 'Il Penseroso', 107). He had abducted Proserpine, who became queen of the underworld. Burke had used this trope in the Regency debates on 27 January 1789. Then he likened Lord Thurlow, whose bewailing of the fate of the stricken King struck many as well as Burke as grossly hypocritical, to Pluto (*Parl. Reg.*, xxv. 324).

<sup>4</sup> Joseph Addison, 'The Campaign: A Poem to his Grace the Duke of Marlborough'.

<sup>5</sup> Burke seems to be commenting on a subscription set up in Manchester by 'the friends to the liberties of mankind . . . for the relief of our brethren in France, who are at present suffering under the calamities of war, in consequence of a most cruel combination of DESPOTS, against the dawning liberty of that country, and which may eventually be employed . . . to the destruction of ours' (*World*, 22 Sept. 1792). The Jacobins had been told that a subscription was being raised there (Aulard, ed., *Société des Jacobins*, iv. 347).

<sup>6</sup> Most of the 950 Swiss Guards and others defending the Tuileries were either killed in the storming of the Palace on 10 August or subsequently murdered.

<sup>7</sup> Jérôme Pétion de Villeneuve (1756–94), Mayor of Paris.

these very prisoners, which they were suffered to do unopposed, and were preparing to remove the new men in power, as they had removed their predecessors, then, and not till then, they exclaimed against the massacre of September as a thing totally different from the massacre of August, and in which the nation had no part. What was murder in one month was not murder in another—they reminded him of the directions in old almanacks—in such a month let blood—in such another take cooling physic. But the people were not quite so nice in their distinctions as the Convention. When the latter ordered that the murderers of September should be prosecuted, the forty-eight sections came with an address, and said these murders were our act; they too were national murders; we were all engaged in them; will you prosecute eight hundred thousand people?<sup>1</sup> They did not ascribe these murders to the invasion of the Austrian and Prussian armies, an excuse first invented for them in that House;<sup>2</sup> they said, that the persons murdered were Aristocrats, who had contrived to get themselves crowded into all the prisons, from which, as so many forts, they might sally forth on the Jacobins, the first convenient opportunity. What would the honourable gentleman,<sup>3</sup> who was such a critic in plots, say to so well-devised a plot as this? Mr. Burke dwelt upon this topic for a considerable time, enumerating the priests and the women that were murdered—among these was the Princess of Lamballe. It happened that her head was cut off, and it happened, that next day M. Egalité got her jointure.<sup>4</sup>

Mr. FOX, by some gesture, expressed his disbelief of this.<sup>5</sup>

Mr. BURKE hastily asked if it was untrue?

<sup>1</sup> The Girondins had seen no reason to condemn the violence of 10 August and had been slow to denounce the September massacres until, at least in part, they did so to implicate their Jacobin rivals in them. In January 1793 they had called for the prosecution of those responsible. Representatives of the radical Paris Sections appeared at the Convention to object to any prosecutions, which were dropped. Burke is quoting from the reported speech of Citizen Roussillon on 8 February (*Ancien Moniteur*, xv. 395).

<sup>2</sup> Burke was probably referring to a passage in a speech by Sheridan on 15 December 1792. The Duke of Brunswick's manifesto, he said, 'had steeled the heart and maddened the brain of all France' and had 'sharpened the daggers of the assassins of 2d September' (*Parl. Reg.*, xxxiv. 146).

<sup>3</sup> Sheridan.

<sup>4</sup> Marie-Thérèse-Louise de Savoie Carignan, Princesse de Lamballe (1749–92), had been murdered in particularly gruesome circumstances on 2 September, which were fully reported in the British press. She was sister-in-law to the Duc d'Orléans, now Égalité, with whom Fox was well acquainted (Mitchell, *Disintegration of Whig Party*, p. 153). In the *Morning Post* report of 4 March 1792 Burke put the matter even more bluntly: the Princess 'had been massacred merely because the Duke of Orleans had a claim to part of her estate on her death'.

<sup>5</sup> There were a number of versions of this exchange including: 'Mr. Fox whispered to Mr. Whyndham [Windham] that no less than six assertions which the Right Honourable Gentleman had advanced on a former night had been positively denied;—Mr. Burke, overhearing Mr. Fox, exclaimed that he should not be interrupted by saucy or sarcastic remarks' (*Evening Mail*, 4–6 Mar. 1793).



Mr. FOX said, certainly; but not more untrue than much of what he had stated besides.

Mr. BURKE said, he stated nothing but on accurate inquiry, and with the proofs in his possession; and any man that said his assertions were untrue, without confuting them, and shewing how they were so, was a calumniator.

Mr. FOX called to order, and said, if the right honourable gentleman meant to affront him personally, he should do that elsewhere. With respect to his assertions, six of them had been confuted in one day.

Mr. BURKE was again going on with the same subject.

The SPEAKER reminded him that it had no relation to the question before the House.

Mr. BURKE said, the subject was not introduced into the debate by him. He could not bear patiently attempts to pervert the English character by apologies for murders. A newspaper, the *Morning Chronicle*, in the month of November, attempted to apologize for those murders, as acts of substantial justice, though shocking to humanity—<sup>1</sup>

Mr. Burke pursued his subject in the way of question to Mr. Fox, and being again called to order, adverted to Mr. Sheridan's charge of bad taste for introducing the trick of a dagger on a former debate;<sup>2</sup> whose manner, he said, seemed rather to be borrowed from his new connections, than to be the natural growth of his old principles. He read a long letter from a manufacturer at Birmingham, giving an account of the order given by Dr. Maxwell<sup>3</sup> for making daggers there, and said, the only error he had committed in mentioning the business before, was in stating that 3000 were ordered, and 72 made; whereas in fact 10,000 were ordered, and 4000 made.<sup>4</sup> He remarked on some publication by a Mr. Oswald, now in Paris, who expressed his hopes that all Government by representation would soon be at an end, and that France would be freed from their iron yoke of

<sup>1</sup> In *Remarks on the Policy of the Allies* (vol. viii, pp. 493–4), Burke indicated that the article that outraged him was in the *Morning Chronicle*, 12 Sept. 1792. The paper's correspondent had there prophesied that if the Prussians had taken Paris, the *émigrés* with them would have perpetrated horrific massacres. In its report of Burke's speech, the *Morning Chronicle* stated that it would 'appeal with confidence to every unprejudiced reader of the paper', whether it had not 'uniformly reprobated those murders as atrocities, admitting of neither excuse nor palliation'.

<sup>2</sup> Sheridan had called Burke's flourishing of a dagger in the debate on 28 December 1792 a 'ridiculous pantomimic trick'.

<sup>3</sup> William Maxwell (1760–1834) was an enthusiastic supporter of the French Revolution. He had tried to raise a public subscription for purchasing arms for France in Sheffield and Birmingham (account by John Oswald in Aulard ed., *Société des Jacobins*, iv. 346–7).

<sup>4</sup> Letter of James Woolley, 16 Jan. 1793, *Corr.* vii. 331–5.

property.<sup>1</sup> This was now in agitation all over France. The old proprietors were pretty well got rid of by murder or confiscation. Those who had shared in the plunder were endeavouring to make a stand, but they would soon be overpowered. The sovereignty of the people was the most false, wicked, and mischievous doctrine that ever could be preached to them. It was false, because they had no means of exercising their sovereignty; and why was it broached? Under a delusion to strip them of their natural guardians, to kill the shepherd and his dogs, and make way for the wolves. If the majority of the Public was to be taken not by weight, but by tale,<sup>2</sup> the most ignorant would elect, and none but the crafty and the wicked would be elected. It was said to be dangerous to introduce an opposition of interest between the rich and the poor: was not this very opposition now the question all over France and Flanders? The right honourable gentleman who warned the House of this danger, said, the man who possessed no property had as much interest in the Constitution, and good order of society, as the man who did.<sup>3</sup> True, an interest visible to every well-informed man, but by no means so to the ignorant. The moment that equality and the sovereignty of the people was adopted as the rule of Government, property would be at an end, and religion, morality and law, which grew out of property, would fall with it.<sup>4</sup> The right honourable gentleman talked of desertions from the party of which he was the leader, from weariness of travelling so long in the barren tract of opposition.<sup>5</sup> The deserts of Arabia had no charms for these deserters: but perhaps,

<sup>1</sup> For John Oswald (c. 1760–93), a Scot who had served in India and been a journalist in London before he moved to Paris, where he became an active member of the Jacobin Club, see Erdman, *Commerce des Lumières*. Burke was quoting from his *The Government of the People; or, A Sketch of the Constitution for the Universal Commonwealth*, Paris, 1792.

<sup>2</sup> By number.

<sup>3</sup> 'On 12 February Fox had said that 'a man who was not immediately possessed of property, had as great an interest in the general protection and security of property, as he who was' (see above, p. 555, n. 1).

<sup>4</sup> 'On 14 December 1792 Burke was reported to have spoken with conventional optimism about the prospects for the poor: you should 'rest content in that situation in which God has placed you; do your duty as a good subject, and your industry will not fail to meet its due reward' (see above, p. 523, n. 3). In his notes for this debate he was starkly pessimistic. 'How men of property and no property are affected by *its security*—men of reflexion like the Honourable Gentleman or if I might presume to name myself with him, whether they have property or not, know the necessity of preserving it, but the *instinctive personal interested* regard is not at all in those who hope for it and those who possess it. Those who hope by industry know that hope to be for 99 in hundred vain. Those who hope from Robbery must see before them not a System of Politicks but a System of Ethics. Stern Law, an avenging God, a frowning religion and a frowning police on those who commit injustice and subvert the order of society' (MS. at Sheffield, Bk. 10. 74).

<sup>5</sup> What appear to be notes for this closing section of the speech, denouncing Fox's leadership of the opposition and defending the conduct of those, including Burke himself, who had defected from it, survive in MS. at Sheffield, Bk. 10. 37.

if a Caravan travelling through these deserts should find that their leader, from passion or obstinacy, had wandered from the right road, and that by following him they were in danger of being attacked by some plundering Sheik, they might be allowed to think a little of their own safety, and to take measures for securing it, independent of the Caravan Bashaw.<sup>1</sup> He could say for himself that he had deserted no party, and that of those with whom he had been accustomed to act there was not one that differed from him in opinion on the present state of affairs, or disapproved of a single vote he had given in the course of the present session. Those who had incidentally joined that party by the way had no claim upon him. He had a high opinion of the right honourable gentleman's abilities, but he could not submit his judgement implicitly to the abilities of any man. The right honourable gentleman had learned from Dr. Price that Kings might be cashiered,<sup>2</sup> but seemed to forget that the leaders of parties could do wrong. Yet if the leader should seem to consider the party as made only for him, instead of considering himself as but a part of it; if he should adopt a line of conduct without consent or consultation; if he should make speeches and motions, as if he meant to say, you dislike what I did to day, I will do more to-morrow; if you disapprove of what I do to-morrow, worse awaits you for the day after that; it might then be supposed that the party was at liberty to leave him. Mr. Burke pursued this allusion to considerable length, tending to convey an idea that Mr. Fox had acted during the present session without consulting with his friends.<sup>3</sup> Fears, the right honourable gentleman said, had made a Chancellor.<sup>4</sup> In times of difficulty and danger, those who saw the danger were meritorious in accepting offices of trust and responsibility. In such times every sacrifice to the public good must be made by every good citizen. The right honourable gentleman himself had sacrificed no interest to the value of a cat's whisker. He was only sacrificing to the vilest idol that ever was set up. He concluded with

<sup>1</sup> Pasha.

<sup>2</sup> This doctrine had been expounded in Price's sermon of November 1789 on 'the Love of our Country'. On 1 February 1793 Fox appeared to have endorsed it, saying that 'the people are Sovereign in every state, that they have a right to change the form of their government and a right to cashier their Governors for misconduct'. James II had been replaced in 1688 'not by a Parliament or any regular form known to the Constitution, but by a Convention speaking the sense of the people; that Convention produced a Parliament and a King' (*Parl. Reg.*, xxxiv. 417-18).

<sup>3</sup> Burke's notes indicate that he intended to speak at length about the reasons why a leader should lose the confidence of his party: 'for in a party like a Government, the Leader is made for the followers and not the followers for the Leader' (MS. at Sheffield, Bk. 10. 37).

<sup>4</sup> Lord Loughborough had abandoned the opposition and become Lord Chancellor in Pitt's administration on 28 January 1793.

discussing the difference between party and faction,<sup>1</sup> and expressing his entire disapprobation of the motion.

Fox said that Burke had been 'totally mistaken with respect to his conduct on the opening of the session'. 'Mr. Burke said a few words in reply, and Mr. Fox repeated what he had said before.'

Before the debate concluded at 2 or 2.30 a.m., Sheridan denounced Burke's contribution to it. Instead of speaking to the question of whether seditious practices existed, he had merely impugned the principles of Fox. Turning Burke's aphorism in the *Reflections* about 'free thinkers' and 'the family vault of "all the Capulets"' <sup>2</sup> against him, Sheridan said that he 'had long supposed Mr. Burke to have been politically defunct, and to have been consigned to "the family vault" of Sir Robert Walpole, Sir Joseph Jekyll and Lord Somers'. <sup>3</sup>

Sheridan's motion was defeated without a division.

## Speech on Traitorous Correspondence Bill 9 April 1793

Sources: 1. *Sun*, 10 April 1793.

2. MS. at Sheffield, Bk. 10. 36.

The fullest newspaper account of this debate appeared in the *Sun*, 10 April 1793 (with a similar version in the *True Britain*, 10 April 1793). This was reproduced in *Parl. Reg.*, xxxv. 193–200 and *Parl. Hist.*, xxx. 639–46. Long reports were also carried by the *Diary*, 10 April 1793, and *Morning Post*, 10 April 1793. MS. at Sheffield, Bk. 10. 39 is what appears to an outline for Burke's speech on a single sheet. Bk. 10. 43 and 92 are fragmentary notes. Part at least of Bk. 10. 76 is concerned with the bill. On Bk. 10. 36 Burke covered three sheets, first with some detached passages and then with a coherent working out of what was to be one of the most important themes of his speech: the need to subordinate commercial considerations in the face of the challenge of revolutionary France. This passage follows the newspaper report of the speech.

The precedents for legislation to prevent 'traitorous correspondence' or 'aid and assistance' to the enemy went back at least to an act of 1691. The 1793 bill was intended to prevent British subjects from supplying France with strategic commodities and food, from buying land or securities in France or from going to France without a licence.<sup>4</sup> Offenders were liable to be prosecuted for treason. The bill was introduced on 18 March. It was widely criticized, not only for infringements of the citizen's rights, which was a case strongly made by Fox and his followers, but also for undue interference with trade. The bill was keenly debated, was extensively revised in committee,<sup>5</sup> and was to be further revised in the House of Lords.<sup>6</sup>

<sup>1</sup> According to the *Morning Herald*, 5 Mar. 1793, Burke asked: 'What was *Party*? The union of men acting upon certain principles for the purpose of carrying them into execution. What was *Faction*? An adherence to one man without regard to principle.'

<sup>2</sup> Vol. viii, p. 140. <sup>3</sup> *Morning Post*, 5 May 1793.

<sup>4</sup> For original bill, see *Commons Sessional Papers*, lxxxvi. 61–8.

<sup>5</sup> For two revised versions, see *ibid.* 71–7, 79–85. <sup>6</sup> It was enacted as 33 Geo. III, c. 27.



While there is no evidence that Burke was consulted about the bill, he strongly supported it. One of its provisions met a particular concern of his. A critic of the bill remarked that while the whole French army might be clothed in British cloth, to export a single pair of shoes was to commit treason;<sup>1</sup> the gift of a thousand pairs of shoes to France by the Society for Constitutional Information had attracted Burke's indignation.<sup>2</sup> He delivered a long speech at the beginning of the committee stage of the bill on 22 March, arguing that it was not an unconstitutional attack on civil liberties but had good precedents and was entirely justified by the dangers of Britain's current situation. He regaled the House by reading a speech in the Convention about 'the madman Burke, that insolent Lord Grenville, or that plotter Pitt', for whom the scaffold awaited.<sup>3</sup> Burke is recorded as having spoken briefly in the committee discussions on 26 March, when he expressed anxieties about the 'seditious disposition' of Scotland, but surprisingly conceded that 'He did not know any persons in this country who had been guilty of any overt acts against the Constitution'. All he would say was 'that the French had endeavoured to create a faction in their favour and had succeeded in a certain degree'.<sup>4</sup> He spoke again on 4 April in support of the clause prohibiting British subjects from buying land in France.<sup>5</sup> On the third reading on 9 April he followed Fox in delivering a long speech in which he again dismissed any supposed threat to civil liberty posed by the bill by comparison with the total extinction of liberty under a French regime and insisted that to isolate Britain from French infection the cosmopolitan interests of commerce must give way to national security.

(1) *SUN*, 10 April 1793

Mr. *BURKE* said, that he was not surprised the Right Honourable Gentleman who spoke last should predict an answer to what he had said, as he must think too well of the House, as well as of himself, to suppose that he should remain unanswered. What sort of answer he should receive from others he could not take upon him to say; But for himself he would assert, that though his answer might be the weakest, it should certainly be the fairest; infirmity might call for pity; but his candour, he trusted, would claim approbation.

The Right Honourable Gentleman, he said, had confined his objections to two points; the one dilatory—the other peremptory. And, first, as to the dilatory, or the absence of a certain learned gentleman (Mr. *ERSKINE*), he regretted, and the House must regret, that the conflicting duties of that Learned Gentleman to that House on the one hand, and his Clients on the other, should have prevented him from affording assistance and information so very material as his to the present discussion—A loss of such magnitude, he said, demanded something by way of comfort, and that he would afford them.

<sup>1</sup> William Henry Lambton (1764–97), see *Star*, 10 Apr. 1793.

<sup>3</sup> *Parl. Reg.*, xxxv. 128–9.

<sup>4</sup> *Ibid.*, xxxv. 154, 155.

<sup>2</sup> See above, p. 342, n. 4.

<sup>5</sup> *Sun*, 5 Apr. 1793.

It must then, in the first place, comfort the House and the Right Honourable Gentleman, that whatever the discussion lost by the Learned Gentleman's absence, his clients gained, and he himself was proportionably indemnified in his profits. Another comfort he offered them was, that though the learned gentleman had been so churlish as not to communicate his *rich* ideas to his Right Honourable Friend, that Gentleman did not stand much in need of his assistance, either in substantial eloquence, splendid declamation, virulence, or acrimony; and while the Right Honourable Gentleman was present, he thought the House would hardly be inconsolable for the loss of his absent friend—*Though ATLAS was gone, HERCULES remained to lend his shoulders to the falling globe of the Constitution.*<sup>1</sup>

Mr. Burke dwelt with his usual felicity on this point; and in a strain of the severest irony ridiculed Mr. Fox's *lamentation* for the absence of Mr. ERSKINE. If, however, he said, the House was to defer its business till the Learned Absentee had discharged his duty to all his clients, it would find itself in the predicament of the Peasant of old, *Expectat rusticus dum defluit amnis.*<sup>2</sup> The House, in that case, must wait long enough, and, in doing so, gratify the Right Honourable Gentleman, who, like FABIUS,<sup>3</sup> wished to fight all his adversaries by delay—a particular mode of generalship that never was carried to such length in ancient or modern times as by the Right Honourable Gentleman.

As to the peremptory objection, he admitted, that if there was a subject more serious in its nature than any other for the contemplation of Parliament, it was that of meddling with the Laws at all. When the House touched Jurisprudence, it should do it with a tender hand—the Criminal part still more tenderly—and the Law of Treason, most of all; for they were those in which power might be worst employed to hurt persons obnoxious to it; it should, therefore, be watched most carefully: when the Constitution was concerned, there could not be too much caution.

There were, he said, but two points on which the Bill could be considered—one, whether it was conformable to Law—the other, whether it was consistent with Policy; and, in considering the matter, the House must throughout take along with them, as the grounds of their reasoning, and

<sup>1</sup> Fox objected to 'the manner in which the Bill had been hurried through the House', at a time when many Members were absent, particularly Erskine, 'from whose knowledge and eloquence so much advantage had been derived in the commencement of his business'. Atlas was the Titan in Greek mythology who held up the celestial spheres.

<sup>2</sup> The peasant waits for the stream to run out of water; Horace, *Epistles*, I. ii. 42.

<sup>3</sup> Quintus Fabius Maximus (c.280–203 BC), Roman commander, known as Cunctator or delayer.

the very foundation of the Bill, that we were at war with France upon its present bottom and system as related to the other Powers of Europe.

The charges of *unconstitutional* and *hostile to Liberty* had been levelled at the Bill. These, he said, seemed to be common-place expressions of Gentlemen on all occasions: they were used too frequently; but, in his opinion, should not be used so lightly. Those, and the whole of the Right Honourable Gentleman's speech on the present occasion, were liker a Prize Declamation at an University than the substantial arguments of a Statesman; but coming from a person of abilities so truly respectable (and no man respected his talents more than he did), they required attention.<sup>1</sup>

Our Constitution, Mr. BURKE said, was a provident system, formed of several bodies, for securing the Rights, the Liberties, the Persons and the Properties of the people. The Constitution was composed of the King, Lords, and Commons; and in the Judicial Power, the King was represented by the Judges, the Lords by the Writ of Error,<sup>2</sup> and the Commons of England by the Juries—"Now let us," said he, "get out of the torrent of declamation, and see what part of this Constitution is touched or affected by the present Bill. Is the King's Prerogative touched? are the Lords touched by it in their legislative or judicial capacity? are the Commons touched by it? are the Judges or Juries touched by it? No—none of those: The Constitution remains sacred and inviolate; and the whole torrent of *ad captandum vulgus*<sup>3</sup> declamation on the subject melts into air."

The question, then, was, did the Bill touch those things for the protection of which the Constitution existed?—Was it asked, whether it infringed on Liberty? He would say, Yes, it did. It was a Law; and Laws always infringed in some respect on natural Liberty, as commanding something to be done or, or something to be forbore. Every Law that was made took away something from the portion of Liberty. It was then to be considered, whether the present measure was such as took away more than was necessary of that Liberty?—if so, he thought it should be put down: and, next, whether it took away such a Liberty as, if it remained, could do no mischief?

<sup>1</sup> Fox had said that he objected to the bill 'on the united principles of policy, justice and humanity'. Those who had drafted it possessed minds 'unacquainted with or hostile to the Constitution'. According to the *Morning Chronicle*, 10 Apr. 1793, he had denounced it as the piece of legislation which 'without one exception was the most unjust in its principle, inadequate in provision, and tyrannical in its effect that ever passed that House'.

<sup>2</sup> Its capacity to review and revise decisions in the common law courts in response to writs of error made the House of Lords the court of last resort in England.

<sup>3</sup> To captivate the masses.

In a constitutional view, all Acts done by that House were to be considered as either Peace or War Acts.<sup>1</sup> There must be a Peace Police, and a War Police; the latter of which was to secure the blessings enjoyed in the former, and each different from the other, the necessities of war calling for an increase of the Prerogative of the Crown, in progressive proportion to the difficulties that occurred in it; and this made a part of the body of the Common Law. If this, then, was the case, the first thing to be considered was, whether the general matter of the Bill harmonized with the general principles of the Constitution, and were justified by the example of our Ancestors? Convenience, he said, was the ground of all Law; and hence the present Bill was consistent with the general principles of Jurisprudence. The Juridical Power of punishing as Traitors those who aided and comforted the King's Enemies, could be traced to EDWARD III.<sup>2</sup> and, if necessary, even further. Aiding, in the strict legal sense of the word, was assisting and comforting—was making stronger; and the present Act went exactly to that object, following the principle of the Law of 25th Edw. III. and only drew out into a detail of specific Acts the generality of that Statute. And though the provision of that Law went in *general terms* to make aiding and comforting the King's Enemies Treason, yet it directed the King, by the advice of his judges,<sup>3</sup> to specify those particular things which were to be considered as overt acts; and he hoped it would be considered as no disparagement of the gentlemen of the present day to say, that those of that time were as competent to judge. Lord COKE said, that the Law was as well understood then as it ever was since;<sup>4</sup> and though the fashionable jargon now was, that those of the present day had got all the wisdom in the world to themselves, there were as great men then as any now in Law and Church and State. The Legislators who made the act of Edward III, he said, gave that direction, as they did not wish to leave to the subtlety of Judges, or simplicity of Juries, so very material a point. In the present case, the Bill followed the spirit, but not the letter of that of

<sup>1</sup> Notes for this section of the speech are in MS. at Sheffield, Bk. 10. 43.

<sup>2</sup> This was the statute, enacted in 1351, on which the English law of treason was held to be based. It stated that those who 'be adherent to the King's enemies in his realm, giving them aid and comfort in the realm, or elsewhere' were guilty of treason; 25 Edw. III, st. 5, c. 2.

<sup>3</sup> This seems to have been misreported. As Burke indicated in the next sentence, the act in fact laid down that the judges should refer questions as to whether offences not specifically mentioned in it were treason to 'the King and his Parliament'.

<sup>4</sup> In the first chapter of the third part of his *Institutes*, Sir Edward Coke praised the Treason Act of Edward III, writing that only Magna Carta was held in greater honour than it was. The judges of that time were 'excellent men . . . men famous in their profession and excellent in the knowledge of the lawes'.



EDW. III, as well as those of CHARLES II,<sup>1</sup> King WILLIAM,<sup>2</sup> and Queen ANNE all of which did the same that is done in this: so that the House might consider themselves as not doing worse than their Ancestors.

Here Mr. BURKE read an Act of Queen ANNE,<sup>3</sup> containing provisions similar to those before the House. This, he said, he had read for the purpose of shewing that our Ancestors had entered into an enumeration of the specific things that constituted the offences, not as overt acts, but as acts treasonable in themselves, following exactly that of King WILLIAM, all of which went on the principle that it was not safe for the Subject to have the construction of overt acts left to the caprice of Judges; and the last Statute (namely of Queen ANNE) was not only prospective, but retrospective—retrospective as it declared those who had been abroad before it and returned without license, Traitors—and prospective, as it declared those who transported, or went on board a ship with *intent* to transport themselves to France, guilty of High Treason; so that this was not the first attempt to make an *intent* High Treason.<sup>4</sup> That Statute had an energy and a harshness in it far greater than the present, although it was made in the very session that the Queen received an account of the glorious victory of Blenheim<sup>5</sup>—although the Houses of Parliament were full of Whigs, and although there was not a single division in the Commons on it, from the 12th of January to the 8th of March, the time it was going through the House. Nay, it was carried triumphantly through, though the Commons were as wise and virtuous then as at any time.

Here Mr. Burke quoted a sentence from the *Lex Julia Majestatis*, in order to shew that all nations agreed in the principle, that he who aided the enemy was guilty of high treason.<sup>6</sup>

But Gentlemen had asked, was a bare intent to commit an act sufficient ground for punishment? To this he would answer, Yes! the law pronounced it—not that intent which lay concealed in the bosom, but that which was conceived with a resolution to execute it—not the cogitation, but the determination: And for this he gave the authority of Serjeant HAWKINS, who says, that by Law an intent to commit a felony is a felony itself, as a

<sup>1</sup> There seems to have been no legislation on this subject in Charles II's reign.

<sup>2</sup> An Act of 1691 to prevent 'Traitorous Correspondence and Commerce' with France during the war (3 Will. and Mary, c. 13).

<sup>3</sup> 3 and 4 Anne, c. 14.

<sup>4</sup> The bill laid down that anyone who embarked on a ship 'with an intent' to go to France would be guilty of treason.

<sup>5</sup> In 1704.

<sup>6</sup> The *Lex Julia Majestatis* was the basis of the Roman law of treason. Its text has not survived. Burke was probably quoting from the commentaries on it in book 48 of the *Digest* of the emperor Justinian.

man shooting at another with intention to kill him:<sup>1</sup> And he put the question, whether, if there were Bravoës in this Country as there are in others,<sup>2</sup> the House would hesitate to make their laying a plan to kill a man felony?

As to the word *agree*,<sup>3</sup> to which so many objections had been made, Mr. Burke answered with great force of argument, that an agreement implied an intention of *two people*; it was, in fact, a contract—not a *nudum pactum*,<sup>4</sup> but such as a man might recover on at Law. As to the argument of the Right Honourable Gentleman (Mr. Fox,) drawn from the Statute of Frauds and Perjuries, that a sum above 10*l.* cannot be recovered under a verbal agreement,<sup>5</sup> that Right Honourable Gentleman, he said, was acquainted with the Laws well enough to know, that the Criminal Law punished an offence on a sum far below that on which a civil action could be maintained; for instance, if a man put a twopenny stamp upon paper, it was a felony. In short, the smallest pecuniary frauds were held by the Law highly criminal—and for this plain reason, that if, in criminal cases, a loose was given in small matters, it would be impossible to know where the mischief would end: so that from Criminal and Civil Law it was impossible to argue *a minore ad majorem*,<sup>6</sup> or, *vice versa*. When Gentlemen objected to the provisions of the Bill on the score of possible Perjury, they should reflect, that it is the condition of Human Law and Human Nature to be ruled by the oaths of men in trials for their life and property, there being no other means to be resorted to. That objection, therefore, was at an end: so that the Bill introduced no new matter, no anomaly whatsoever; and if it differed from the Statute of ANNE in any thing, it was in being infinitely more lenient.

The next matter for the consideration of the House, Mr. BURKE said, was, whether there were any new occasions that demanded this measure? And if there were, whether they came within the meaning of the words

<sup>1</sup> '[T]he bare intention to commit a felony is so very criminal, that at the Common Law it was punishable as felony'; 'whenever death is done by an act with murderous intent it makes the offender a murderer', *A Treatise of the Pleas of the Crown*, 2 vols., London, 1716–21, i. 65, 68, by William Hawkins (1673–1746), Serjeant-at-Law.

<sup>2</sup> Bravoës or bravi were thugs employed to intimidate and oppress in seventeenth-century Italy.

<sup>3</sup> The bill stipulated that anyone 'who shall agree to sell, supply or deliver' listed articles would be guilty of high treason.

<sup>4</sup> A bare promise, not legally enforceable.

<sup>5</sup> Fox had argued that to expose an individual to the penalties of the bill for a mere verbal agreement was oppressive. He pointed out that in the Statute of Frauds of 1677 (29 Car. II, c. 3) verbal agreements could not be treated as enforceable contracts for goods above the value of £10, because of 'the ease with which . . . Perjury might be committed'.

<sup>6</sup> From the lesser to the greater.

*aiding and comforting?*<sup>1</sup>—For the Laws, he said, were bending to occasions while they followed principles, as the rays of light acting under a general Law are refracted by a particular modification of glass through which they would, under the same Laws, otherwise pass in a direct line. What was the particular occasion that governed the present case? France had endeavoured, under the specious pretext of an enlarged benevolence, to sow the seeds of enmity among the Nations, and destroy all local attachments, calling them narrow and illiberal—thereby to dissever the People from their Governors—“Let any one,” said he, “read the proceedings of *that Mother of Mischief, the Revolution Society*,<sup>2</sup> and be convinced!” In consequence of this, he said, the House was called upon to give every fair advantage and every parental advice to the Country, and preserve that moral relation, the destruction of which was the great aim of its Enemies.

As to the injury Commerce might be supposed to receive, he would say a few words. England was a Commercial Nation—so was every other, as far as it could. But if, by Commercial Nation, it was implied that Commerce was her ultimate, her only end, he would deny it, her Commerce was a subservient instrument to her greater Interests, her Security, her Honour, and her Religion. If the Commercial spirit tended to break those, he insisted it should be lowered.

Gentlemen had said, that if we refused to supply the French, Holland would; and elucidated those arguments by an old observation, that if the Devil was carrying a Dutchman to Hell, he would contract with him to supply the Coals. To this he could only say, that our supplying the French would be exactly a parallel case, and full as despicable; and he would answer for the liberal and patriotic spirit of the British Merchants, that they would willingly dispense with the profits of that trade for the benefit of their Country.

As to the insuring of our enemy's ships, he objected to it, chiefly on account of the moral effect it must have on the minds of the People.<sup>3</sup> In a state of warfare, it must be the wish of every good mind to disarm the Enemy rather by despoiling than killing them, as well from motives of humanity as personal interest. When, therefore, a prize was taken, and an English Insurer was to pay the loss, exclusive of the increased litigation, it either gave the captor the pain to deplore the loss of a fellow-subject, or

<sup>1</sup> Under the 1351 act, to give ‘aid and comfort’ to the King’s enemies was to commit treason.

<sup>2</sup> Burke had frequently quoted from this published volume of correspondence between the London Revolution Society and bodies in France, see above, p. 495, n. 4.

<sup>3</sup> The bill made it illegal to insure any ship or goods going to or from France.

rendered him callous to the consideration and feelings he should have on such an account, and gave an habitual delight in the plunder of his fellow-citizens, and an indifference to the welfare of his country, perhaps worse.

The clause for preventing British Subjects purchasing in the Funds of France, he observed, and with infinite regret observed, was left out—it was indeed, he said,

Hiatus valde deflendus:<sup>1</sup>

But as it had been abandoned, he would make no further remarks on it.<sup>2</sup>

On the whole—conceiving, as he did, that it was the duty of the House to centre and fortify the Country—conceiving that it was their duty to keep their Subjects at home, and prevent an adulterous communication with the French—and conceiving that a man was as likely to be a better husband for having two wives, as a better subject for having two countries—he would give the Bill his most hearty concurrence. And when the House considered that France could only war out of resources drawn from the bowels of Great Britain, it could not but approve of a measure which only went to prevent Englishmen from fighting against their own Country, and making contracts to its ruin. “Let us not,” said he, “turn our every thing, the love of our Country, our honour, our virtue, our religion, and our security, to traffic—and estimate them by the scale of pecuniary or commercial reckoning. The Nation that goes to that calculation destroys itself.”

Here Mr. BURKE drew, with his usual beauty of colouring, an animated glowing picture of a Contractor dealing with the French; and put into his mouth the following expressions—“Should our Sovereign, impelled by parental feelings for his People, hazard his august person, and take the field against you, behold! here is powder of the first quality, and here are bullets that shall do his business—I do not cheat you; believe me, they are good—Or should his Children, stimulated by an hereditary thirst for glory, take the field, avarice shall defeat their courage;<sup>3</sup>—those bullets and this bayonet shall go to their hearts, and Great Britain and her Commerce be the gainer.”

He then turned to the Subscription set on foot for a provision for the Widows of men killed in battle—pronounced a warm eulogium on the

<sup>1</sup> A deficiency greatly to be deplored.

<sup>2</sup> A clause would have made it illegal to have any dealings in ‘the public funds in France’.

<sup>3</sup> The King’s second son, the Duke of York, was in command of the British forces sent to Flanders. His younger brothers, Adolphus Frederick (1774–1850), Duke of Cambridge, and Ernest Augustus (1771–1850), Duke of Cumberland, were also serving in the allied armies.



Subscribers,<sup>1</sup> and said, "But then comes Mr. *Contractor*, and tells them, if I don't supply, you have no occasion to subscribe—and while they find charity, his avarice finds objects for it."

Mr. BURKE concluded by declaring, all he desired was, *that England would be true to herself*, and not carry on an adulterous intercourse with the prostitute Outcasts of Mankind.

(2) MS. AT SHEFFIELD, BK. 10. 36

We are a commercial Nation—To its power every Nation is commercial. But as every other, our Country [has other Objects of policy besides its commercial advantages.]<sup>2</sup> If it had not, we ought not to go to War at all, because it is the nature of war not only to *restrain*, but to *hazard* and for a time to *injure Commerce*.

It has the Interest of its safety, and its morals, its Tranquility, its independence of its Glory. We do not sacrifice them to commerce. We do not sacrifice commerce to them; we put it into its subordinate and different situation.

It is the policy of every country to take its measures so as to prevent the mischief and distemper of the time we live in. This it is the business of a Statesman to know and provide for. Otherwise he is a prudent man of other times and a fool in his own. [T]alks always of this as if it were a common War—such as that he alludes to in 1756 concerning the bounds of the Empire on the other side of the Allegany Mountains—

Now the distemper of this time is to infuse in men a pretended Idea of a more *enlarged Benevolence*; to throw down *the Barriers* which separate communities; totally to destroy in the minds of men that moral relation called *our Country*; and to substitute in its place the Ideal of *Fraternity*; this fraternity founded not on an identity of Political Interests but on a supposed agreement of certain principles of Government or a Benefit in certain criminal speculations.<sup>3</sup>

Any one who wishes to have this fully exemplified needs nothing more than to read the correspondence of that mother of absolute Evil [the] English Jacobin Club called the Revolution Society with the Jacobin Clubbs of France. There he will see *one object* aimed at thro' the whole and

<sup>1</sup> At a meeting on 19 February 1793 at the Crown and Anchor Tavern in London a subscription was launched for the relief of the families of soldiers and sailors killed in battle.

<sup>2</sup> Words within square brackets crossed out in MS.

<sup>3</sup> 'N.B. not to reduce our Duties from sentiment and principle to be too much a matter of calculation.' in the margin.

indeed never lost sight of namely to treat all National predilections and Jealousies whatsoever as poor narrow bigotted principles inculcated into the people by their rulers for their own selfish purposes. That they wish England and France to be considered *as one Nation* and to unite mutually to produce purifying Revolution in their own districts, and in every where in the World; and in effect that there is no other Cause of friendship or Enmity than the form of their Government—

The Scheme of Charity ought certainly to take in mankind—but on a well graduated Scale.

Nothing can contribute more to the destruction of that Idea of Local Patriotism<sup>1</sup>—than the excessive predominance of *commercial principles*, money and traffick and getting them wholly to supersede the local Interest of the State. That Holland has been brought several times to the very Edge of Ruin is in a great degree due to this Cause. To a man far gone in this Malady of Traffick the Counting House becomes dearer than the Acropolis, a good foreign correspondent is a nearer and dearer relation than the Townsmen of your own Walls.

Things which give Citizens a foreign Bias. Four means

1. Insurance.

2. Stocks and Funds.

3. Land Purchases.

4. Honorary Naturalizations.<sup>2</sup> A divided Duty. The elective Duty will prevail merely so < . . >. Our Country of Choice rather than our Country of Necessity.

1. It is for this reason that I should not be sorry that some *temporary, local* and occasional Checks should be put upon Insurances. No man can very sincerely wish well to your success in captures and the losses <inflicted> against the Enemy—nor can any one rejoice in the Spoil which in reality is made in part at least from your own citizens < . . > but the moral advantages—On one hand you behold Englishmen appear at the bar as claimants of an Enemy's Property, of the Deadly foes of your Country. On the other you behold the brave defenders of your Country endeavouring to enrich themselves by the Spoils of their fellow Citizens. Must not this tend to destroy, on the one side and on the other,—every moral Habitude in the Country.

<sup>1</sup> David Bromwich points out that Burke amplified the concept of 'local patriotism' in his *Third Letter on Regicide Peace*; vol. ix, pp. 303–4.

<sup>2</sup> The honorary French citizenships awarded to Paine and Priestley among others were Burke's obvious concerns.

2. The second, but of infinitely the most mischievous tendency is the dealing in their Stocks—<sup>1</sup> One main cause of all the Calamities in Europe. The French faction fully sensible of this. We will confiscate every foot of *Land* we have in this Kingdom rather than fail in *your* payment. We will confiscate the *money* of Widows and orphans in our funds than fail with you.

3. Lands—now first brought into commerce—will not <bring>—certainly as objects of speculation.

4. Naturalizations—distinguish between those where parties are domiciliated for the purposes of Commerce or Otherwise.

I do not wonder that there is so great a difference.<sup>2</sup> They who do not agree about the Nature of the Evil can never agree about the Remedy.<sup>3</sup>

We who think, that the French System is the most dreadful Calamity, with which God has ever suffered mankind to be scourged—who think that it is an horrid compound of every species of impiety, Immorality, Sacrilege, Robbery, Murder, Tyranny, oppression and above all the extinction of every Vestige of rational and moral Liberty—can never agree in the method of opposing it with those who think it to be the greatest blessing and benefit ever conferred on the human race, and that the checking of it in its progress is to arrest the growth of knowledge and the progress of the human mind—that it is an

Those who think the French System to be the greatest blessing ever conferred on the Race of man—They who think that the impeding it in its march—is to arrest the course of knowledge; and to prevent the progress of the human understanding—they who think that the circumstances of disgust and horror which have attended it are only accidental.

There was little further discussion after Burke had spoken. Fox continued to maintain that there were no precedents for the powers being taken by the government under the bill, to which Pitt replied that such matters 'had been so often debated, and so very ably debated that night by the Right Honourable Gentleman, (Mr. Burke)', that there was no more to be said.<sup>4</sup>

The bill passed its third reading by 154 to 53.

<sup>1</sup> 'Have an Interest that the Country you have a War with should not be overthrown.' in the margin.

<sup>2</sup> This concluding section about Burke's differences with Fox is not related to the reports of this speech and would fit more closely with what Burke said in his speech on the Alien Bill on 28 December 1792, see above, p. 538.

<sup>3</sup> 'Represent this as a comparison. Our principles differ in the foundation, differ in the superstructure—differ in the whole and in every part' in the margin.

<sup>4</sup> *Diary*, 10 Apr. 1793.

## Speech on Fox's Motion for Peace with France 17 June 1793

Source: *Parl. Hist.*, xxx. 1008–13; *Parl. Reg.*, xxxv. 685–6.

Burke had difficulty in getting a hearing in the face of 'a large outcry for the question' from the ministerial side of the House (*Gazetteer*, 18 June 1793). When he did speak, he was reported to have said that 'he should not enter at large into the question' (*True Briton*, 18 June 1793). Although he still delivered 'a speech of some length' (*London Chronicle*, 15–18 June 1793), the newspaper reports of it were not very full. Those subsequently appearing in the *Parl. Reg.* and the *Parl. Hist.* contain material not given in the newspaper reports, which may possibly have been derived Burke himself. The version in *Parl. Reg.* xxxv. 668–71 seems to have been drawn, with considerable additions, from the *Morning Chronicle*, 18 June 1793. Further additions appeared in *Parl. Hist.*, which provides the text for Burke's main speech. His brief contribution later in the debate is taken from *Parl. Reg.* MSS. at Sheffield Bk. 10. 69, 76, and 85 contain material evidently prepared for this speech. These suggest either that Burke had not been able to say much of what he had intended or that parts of what he had said had not been reported.

By June 1793 French expansion had been checked by Austrian and Prussian successes and the French were being driven out of their new conquests. The threat to the Dutch Republic seemed to have been averted. In Fox's view this raised urgent questions about the purpose of Britain's involvement in the war. Would the allies seek to invade France again in order to destroy the revolutionary order and restore the monarchy, or would Britain, as Fox fervently hoped, accept that with the defeat of French aggression its war aims had been achieved and a settlement should now be sought with the existing French regime? On 12 June Fox gave notice that he wanted these issues to be discussed before the ending of the parliamentary session and that he would bring forward a series of motions on the war. On 17 June he moved that as 'Defence and Security', rather than 'Aggrandisement' at the expense of France or forcing on it 'any particular Form of Government', had been the sole objective of the war and, as French expansion was 'no longer a Subject of just Uneasiness and Alarm', the Commons should address the King to take 'the earliest Measures for procuring Peace on such Terms as are consistent with the professed Objects of the War'.<sup>1</sup> Burke spoke after Windham had opposed Fox's motions. His response was predictable. He reiterated his arguments that since August 1792 there had been no French government with which to negotiate; there was only anarchy. Moreover, any assumption that the Revolution could be contained within France was a catastrophic delusion. Whether it was nominally at war or at peace with the rest of Europe, revolutionary France was a cancer which would subvert the established order in all countries and Britain was most vulnerable of all because of its proximity to France and the constant movement of people between the two countries.

Mr. *Burke* said, he was desirous, on so great an occasion, to give his clear and decided, though he hoped not a pertinacious and obstinate, opinion.<sup>2</sup> He conceived it to involve a question which would decide for ever our connexions with the continent—the question whether we should make war with all the powers of Europe, in order to make peace with France? That

<sup>1</sup> *Commons Journals*, xlviii. 946–7.

<sup>2</sup> 'He said he should be sorry to finish the last stage of his parliamentary and perhaps of his natural existence, without delivering his sentiments on a question like the present' (*Gazetteer*, 18 June 1793).



House was called upon to send up an address to the throne, containing a most bitter invective against three great powers of Europe;<sup>1</sup> and what was to be the consequence? Did we mean to provoke them without an object? If so, it was an idle invective, without meaning. He would not enter into the business of Poland, though he had certainly formed his own opinion upon it;<sup>2</sup> but he must say, that it was a womanish proceeding at best, to rail without doing more; and, if we do more, we are at war with all Europe. He must suppose, however, that the right honourable gentleman, whom he would suspect of any thing rather than of weak designs, did really propose the making an attack in order to restore Poland. On this subject of Poland, whatever might be his sentiments, he should think it wise to hold his tongue; for was it possible for Great Britain to go to war with Austria, Russia, and Prussia, with all the great powers of Europe, with no ally but France? and what government was there in France with which we could form an alliance? He remembered, in history, when Charles 12th disposed of Poland, and gave it another king. But did we, on that, or on other similar occasions, call upon France to assist us in rescuing Poland? No. France indeed would have been sufficiently desirous of assisting us, but Great Britain and France could not then attempt it;<sup>3</sup> the situation of Poland rendered any such attempt impracticable; for, with respect to us, Poland might be, in fact, considered as a country in the moon.

But what is the line of conduct we are now desired to follow with respect to those powers with whom we have hitherto acted in this war? Shall we begin to desert them in the first moment of our being called upon to attack? Shall we totally forget what they have done, and how they fought for us in defence of Holland, a county in which we have so great an interest? The danger which then threatened Holland was formidable indeed, when attacked by M. Dumourier, no mean man, whom he was rather glad to see as a guest here in London.<sup>4</sup> Of him and his hundred thousand sans culottes the Austrians had cleared Holland, and, in doing so, had shed

<sup>1</sup> The further dismemberment of Poland by Prussia and Russia was described in Fox's resolutions as 'Measures so odious in their Principle and so dangerous in their Example' and 'no less formidable to the Liberties of Europe' than the expansion of France.

<sup>2</sup> Burke's praise of the new Polish constitution in the *Appeal* (see above, pp. 462–4) was to expose him to repeated accusations that he had deserted Poland's cause when he declined publicly to censure the behaviour of Britain's allies against France.

<sup>3</sup> Charles XII of Sweden intervened to change the Polish succession in 1706.

<sup>4</sup> Having been defeated by the Austrians in March 1793, Dumouriez defected to them. He arrived in London on 15 June, it was rumoured, to deposit money in British funds. There were reports that he was in the gallery of the House for this debate (*Diary*, 19 June 1793). Ministers had no contacts with him beyond ordering him to leave, which he did on 19 June.

torrents of their blood. Shall we, then, now say that we are tired of the war, at the very instant when we have got a glimpse of hope, and before we have taken any one fortress? For his part, he reprobated such shameful perfidy. But when we shall have excommunicated ourselves from the whole band of European sovereigns, in order to treat with France, we can have no security whatever for the performance of any treaty on their part, which can equal even to the constancy or consistency of a single individual. He did not deny the ambition of the sovereign powers of Europe; but the question, in his opinion, came to be, which was that power whose ambition was most likely to press on Great Britain? The partition of Poland might possibly be made so as not to destroy, or even to effect, in any great degree, the balance of power in Europe. The king of Prussia had, indeed, taken Dantzick,<sup>1</sup> and he was sorry for it; but had he taken the lives or the property of any individuals? He hoped it would not be conceived that he approved of this; but he must consider the different conduct of France, and oppose to it the detestable principles of their infamous decree of the 15th of December.<sup>2</sup> He had not heard that, either in Poland or in Dantzick, any one clergyman had lost his living, or that any man had lost his life or property.

The beginning a war must always be the most expensive part;<sup>3</sup> and yet, after having incurred all this enormous expense, we are now called upon to put an end to the war, before it has been possible to derive any fruits from it. On two former occasions the right honourable gentleman had censured, in strong terms, the conduct of the chancellor of the exchequer in preparing armaments, without doing any thing more;<sup>4</sup> and shall we now desire him to do so a third time? The right honourable gentleman had said, that if we wait till there shall be a settled government in France, we may wait for ever. But, in direct contradiction to this, the right honourable gentleman himself has all along urged this proposition, that anarchy cannot last long, while despotism generally reigns for a considerable length of time. He was acquainted with the uncommon powers of the right honourable gentleman's mind, and could not without shame and concern, observe, that he descended to such degrading proposals, and was reduced to such idle, paltry, and frivolous arguments.

<sup>1</sup> Gdansk, see above, p. 558.

<sup>2</sup> See above, p. 541, n. 2.

<sup>3</sup> One of Fox's resolutions deplored the 'severe Calamities' and the shock to Britain's 'commercial Credit' and to its 'mercantile and manufacturing Interests' produced by the war.

<sup>4</sup> Britain had armed without going to war both in 1790, against Spain in the crisis over Nootka Sound, and in 1791 against Russia over Ochakov.

Supposing, however, it were deemed prudent to break off all other connexions for the sake of espousing the interests of France, let us consider, said Mr. Burke, the possibility of negociation. Supposing that England was to send an ambassador to the sans culottes convention to make the *amende honorable*,<sup>1</sup> in a white sheet at the bar of the meeting, and by way of approximating to their system of equality, confer that agreeable and honourable office on some nobleman of high rank, how were we sure that, instead of a respectful reception, he would not be saluted *à-la-mode de Santerre*, holding the bloody head of Louis 16th as an example to all sovereigns?<sup>2</sup> Would you next have him apply to the minister Le Brun? Unfortunately, the poor fellow is in gaol, and it may be very uncertain whether they would consent to grant him a day-rule.<sup>3</sup> Would you apply to the minister Claviere? You then would have *non est inventus*<sup>4</sup> returned upon the back of the writ, for it seems he is not to be found.<sup>5</sup> Would you have recourse to Roland! Why, he is not only in gaol<sup>6</sup> but also his wife along with him, who is said to be the real minister.<sup>7</sup> The wife, too, may be inaccessible; for as Roland is known to be uxorious, he is the more likely to be jealous, and would not perhaps readily admit the visit of your ambassador. Apply to Brissot, who has so many friends in this country, and let your ambassador take care that he leaves his watch behind him. But, alas! here again. Brissot is likewise in gaol, bearing a repetition of that sort of misfortune to which it is hoped that habit may reconcile him.<sup>8</sup> Pay your addresses to Egalité, and you will find him in his dungeon at Marseilles, sighing at the reflection of those hopes he once entertained of being lieutenant-general of the crown of France.<sup>9</sup> There then only remains (continued Mr. Burke) my celebrated friend, the mild and merciful Marat, whom a negociator might address with very excellent effect, if he carried credentials or recommendations from me. Such is the list of sovereigns

<sup>1</sup> An apology to satisfy wounded honour.

<sup>2</sup> Santerre had been the King's jailer and had taken him to his execution.

<sup>3</sup> Lebrun, like other Girondin ministers, had just been driven from power by their Jacobin enemies. Most like him had been imprisoned and many would be killed.

<sup>4</sup> Not found.

<sup>5</sup> Étienne Clavière (1735–93), Minister of Finance from August 1792, was about to be arrested and put in prison, where he committed suicide.

<sup>6</sup> Roland had resigned his office and gone into hiding in February 1793. He committed suicide in November.

<sup>7</sup> Madame Roland (1754–93), née Marie-Jeanne Philippon, was imprisoned on 1 June and guillotined in November.

<sup>8</sup> Brissot had been imprisoned and was to be executed.

<sup>9</sup> He had been arrested in April 1793 and transferred to a prison in Marseilles. He was to be guillotined in November.

who are to receive the submission and *amende honorable* of the British nation! To show how little reliance could be placed on the faith of those rulers, supposing we had entered into a treaty with them, he read a long extract of a report made by Brissot from the diplomatic committee, wherein it is stated as disgraceful to a free people to have any treaties whatever, especially with sovereigns, whom they compliment with the name of tyrants.<sup>1</sup> It was in vain to say, after all, that the power of these people was not formidable. They had already evinced it, and were at one time so flushed with their successes, as to order one of their generals to advance into Italy, and depose the poor pope, who had not the power, if he possessed the inclination, of doing them any injury.<sup>2</sup> The truth was, that a government such as theirs, assisted by enthusiasm, though it produced nothing but misery, anarchy, and disorder at home, had still the malignant power of great offensive operations abroad.

It had been said, shall we interfere for the purpose of obtruding on the French whatever form of government we shall think fitting for them?<sup>3</sup> He was of opinion, that no country could force a particular form of government upon another, but that all received such a one as was, under all the circumstances of the case, most adapted to their situations.<sup>4</sup> Governments were, in this instance like individuals: no one had a right officiously to obtrude with his advice, or undertake the management of another's affairs; but if a man were guilty of the most indecent outrages, if he were to attempt to murder his wife, to starve his children, or to burn his habitation, should we not interfere to prevent attacks upon our feelings and our safety? He remarked, that there was one grand sophistry that ran through the whole

<sup>1</sup> According to *Parl Reg.*, xxxv. 670, Burke quoted from a report of 21 November by Brissot 'on a treaty with Geneva' (*Ancien Moniteur*, xiv. 531-4). On 2 November a French general had signed a treaty with the Councils of Geneva. Brissot recommended that the treaty be revoked. He then examined 'a very delicate question, that is to say, whether a free people ought to make treaties, and whether these treaties were not useless among Republics, and dishonourable with the Despots. He hinted, that *the secret of the French Revolution, and that of all the rest that were now preparing, was to renounce every kind of treaty with Despots*' (*Morning Chronicle*, 27 Nov. 1792).

<sup>2</sup> There were reports in the British press in early November 1792 that 'The French mean to advance to Rome, to force the Pope to conform to the French Constitution and to put an end to the Romish superstition' (*London Chronicle*, 1-3 Nov. 1792).

<sup>3</sup> One of Fox's resolutions had rejected forcing 'any particular Form of Government' on France as a British war aim.

<sup>4</sup> 'As to the question of restoring the Old Government, Mr. Burke said, if the Bourbon Government was meant, he should be heartily glad to see its restoration. If that were impracticable, he could not precisely decide what government could be fit for France till he should consider the existing circumstances and tempers of the people. It was a subject, indeed, too important to be tampered with. God was the author of governments, and on those governments on which he had authorized, it became us to rely; not on our own presumption to establish better' (*Diary*, 18 June 1793).



of the right honourable gentleman's speeches, namely, that we made war on France, while in fact she made war upon us, and that, too, at a time when Dumourier was affecting to treat with us.<sup>1</sup> He insisted that it was a travelling delusion, that nations were not to interfere with each other: for if any nation endeavoured to confuse, to trample upon, violate or despise the rights of others, the interests of human society required that all should join against them. If, by the subversion of all law and religion, a nation adopts a malignant spirit to produce anarchy and mischief in other countries, it is the right of nations to go to war with them.<sup>2</sup> In support of this doctrine, he quoted the authority of Vattel, who lays it down, that if one nation adopt principles injurious to all government and order, such a nation is to be opposed from principles of common safety.<sup>3</sup> This, he insisted, was the spirit of France; and what was to keep the effects of it from England? War, and nothing else.<sup>4</sup> Until, therefore, we could find that security in their principles and practices which could alone make peace permanent, he

<sup>1</sup> The British government had received intimations that Dumouriez was willing to negotiate just before France declared war.

<sup>2</sup> 'Is it denied, that *any* Case can exist in which such Horrible principles may be professed for propagation, such Tyranny and disorders can prevail in a given Country—by means of a Tyrannical King or cruel and inhuman faction, that no principle of Charity, or common humanity, or Policy to prevent the Evils happening at home shall induce a Neighboring King or neighboring commonwealth to come to its assistance or to aid its good and virtuous Citizens in its settlement—never heard the contrary asserted in my Life—nor ever read it in an author—or ever knew any State to act upon it.' (MS. at Sheffield, Bk. 10. 76).

<sup>3</sup> Burke is paraphrasing the contemporary translation of Emmerich von Vattel's *Droit des Gens*: 'If then there is any where a nation of a restless and mischievous disposition, always ready to injure others, to traverse their designs, and to raise domestic troubles; it is not to be doubted, that all have a right to join in order to repress, chastise and put it ever after out of its power to injure them' (*The Law of Nations or the Principles of the Law of Nature*, London, 1759, p. 138). Burke wrote in the margin of a MS. copy of this sentence: 'This the case of France—Semonville [Charles-Louis Huguet (1759–1839), Marquis de Sémonville] at Turin—Jacobin Clubs. Liegeois [Liègeois] Meeting. Flemish—meeting. La Fayette's answer Cloots's Embassy [for Cloots's embassy from the human race, see above, p. 520]—Avignon [see above, p. 378].' (MS. at Northampton, A. xxv. 89). There are more generalized notes on the right of intervention under the law of nations in MS. at Sheffield, Bk. 10. 86.

<sup>4</sup> Burke had prepared material about the dangers of peace with France: 'The first effect and one of the great Objects of Peace is free and amicable communication.

1st persons will be the trading and manufacturing world. We know the dispositions of people who are used to Clubbs and Town meetings above all others to a democratick Spirit. The Clubbs will affiliate, and be affiliated—they will fraternize and be fraternized—a scene of cabal and sedition will be opened, far surpassing any thing you have seen and heard before and in vain you will endeavour to arrest its Course and a connexion is formed which all the Wisdom and Power of this Nation never can break. All this will break out like a flood with double force against you.

A naturalization will take place on their part. You will have *joint* Citizens and *double* Countries. Whatever is not rewarded according to its own measure of its pretensions, civil, military, naval, Literary, will make France (*the Empire of Adventure*) its receptacle. [Here state the two Priestleys.] (MS. at Sheffield, Bk. 10. 69). William Priestley (1771–1838), Joseph's second son, had been received by the Legislative Assembly and naturalized on 8 June 1792.

would never agree to prostrate the throne of Great Britain at the foot of any National Convention or Jacobin club whatever. He again drew a picture of a British ambassador making the *amende honorable* before the National Convention. To this end he would have the first blood in the land sent, to make the *amende* more complete: there he should stand with a white sheet on, and a torch in his hand, all the ghastly regicides in rows about him, the president shaking the bloody head of Louis 16th to make the *amende* more horrible; which being accomplished, Danton, with his bloody jaws, would give him a civic kiss in token of adoption. To such a ceremony he could never agree, and therefore he must resist the present motion.

Pitt followed Burke, praising him for having so exhaustively covered 'the general grounds of argument against the motion, that it was unnecessary for him to enter into them at much length'. What he went on to say can have been only of little comfort to Burke. He agreed that it would be impossible to negotiate with the present regime in France. The French must either renounce their intention of propagating 'the pretended system of the rights of man' or be so weakened that they were unable to do so. Nevertheless, he 'did not consider any form of Government, that the French might attempt to establish, as a cause of war' and 'if without any change in the internal government of France, he should see a prospect of concluding an honourable and advantageous peace, he should not decline it'.<sup>1</sup> Fox later replied, and Burke briefly took up two points relating to him in what Fox had said.

Mr. BURKE complained that, whether owing to any misconception or not, he had been misrepresented by the right honourable gentleman. He particularly dwelt on that passage of the right honourable gentleman's speech in which he noticed what had fallen from him relative to the declaration of war with the allies, being implied or induced, by our making peace with France.<sup>2</sup> If the right honourable gentleman meant to censure him for what he had said of M. Brissot relative to the subject of his opinion of treaties, he could inform that right honourable gentleman that he had not been regulated by what professed enemies had said of that character, but relied upon and quoted the very sentiments of M. Brissot himself.<sup>3</sup>

At the end of the debate, at around 11 pm, Fox's motion was defeated by 187 votes to 47.

<sup>1</sup> *Morning Chronicle*, 18 June 1793.

<sup>2</sup> 'One right honourable gentleman had said that to make peace with France would be to make war with our allies.'

<sup>3</sup> Burke, Fox said, 'had spoken of Mr. Brissot in a manner not very creditable to himself. He had judged him from writings of his enemies; which was as unjust a test of his character as it would be if any one were to judge of that honourable gentleman's character from what had been written against him by Mr. Hastings's friends.'

## Speech on Motion for Release of La Fayette

### 17 March 1794

Source: *Parl. Hist.*, xxxi. 47–51, 53.

The account in the *Sun*, 18 March 1794, is the longest newspaper version that has been traced. This seems to have been used with additions for *Parl. Reg.*, xxxvii. 614–16, 619, 620, and with further additions in *Parl. Hist.*

Entangled with the closing stages of the Hastings trial, Burke made no substantial contributions to debates in the early stages of the 1794 session, even though Fox immediately ‘went on the offensive on the issue of the war’.<sup>1</sup> Six sheets do, however, survive of what seems to be the draft for a major speech in opposition to any approach to France for peace, clearly composed in 1794, possibly for the debate on Address on 21 January when Burke was prevented from speaking at any length.<sup>2</sup> But an attempt to induce the British government to intervene on behalf of the imprisoned La Fayette was not an occasion on which Burke felt that he could be silent. As the French Revolution moved into more radical phases, the commanding position that La Fayette had assumed at its outset was undermined and he became increasingly vulnerable. Even before he was declared a traitor on 19 August 1792, he had decided to escape to the Dutch Republic and then perhaps to America. While passing through Liège he was apprehended by Austrian troops. He was tried by an allied commission and sentenced to be detained as a state prisoner under Prussian custody. His case was taken up by his friend Richard Fitzpatrick,<sup>3</sup> a staunch Foxite. On 17 March Fitzpatrick introduced his motion that the King be addressed to intercede with the Prussians, since the detention of La Fayette was ‘highly injurious to the Cause of his Majesty and his Allies’.<sup>4</sup> Burke strongly opposed the motion. He thought that La Fayette’s record throughout the Revolution had been deplorable and he was to describe him as the ‘principal author . . . of all the misfortunes that had befallen France’. Wider issues were also at stake. The implication of the speeches made in La Fayette’s favour was that the constitutional monarchy that had evolved between 1789 to 1791 ought to be the basis of the order that the allies should seek to restore in France and that La Fayette was the kind of person who should be entrusted with power. As he showed especially in his *Remarks on the Policy of the Allies* begun in October 1793,<sup>5</sup> Burke regarded such strategies as totally misguided. The constitutional monarchy was an utterly inappropriate model for a post-Revolution France in which La Fayette must have no role.

*Mr. Burke* said, that as there were no precedents on the books, no circumstances similar to the present, the House ought to be extremely cautious in departing from the policy of their ancestors. They saw before them, within a short space of time, the fall of a great monarchy, the destruction of numbers, and the imprisonment of two hundred thousand persons. He was glad to remark, from what had fallen from some gentlemen in the course of the present debate, that they were now convinced of the danger of those principles of universal but fictitious benevolence which

<sup>1</sup> Mitchell, *Fox and the Disintegration of the Whig Party*, p. 230.

<sup>2</sup> MS. at Sheffield, Bk. 10. 83.

<sup>3</sup> (1748–1813).

<sup>4</sup> *Commons Journals*, xlix. 346

<sup>5</sup> Vol. viii, pp. 452–99.

forbad any interference in the affairs of a foreign state, or the conduct of a sovereign independent power.<sup>1</sup> As he, however, had never adopted those principles, he had no difficulty of declaring, that if a proper case of interposition were established, it would be perfectly consistent with the honour and dignity of this country to interpose; but it could not be contended that the case of M. La Fayette was of that complexion, when we had not deemed it requisite so to do for the purpose of preventing the numberless massacres, murders and revolutions by which France had been desolated and destroyed. He considered the honourable gentleman who brought forward the motion as activated by generous motives:<sup>2</sup> *Tantum infelicem nimium dilexi amicum*.<sup>3</sup> That House would be stepping out of its way to pay attention to such a person as M. La Fayette at a time when so many other objects of pity passed before their view; when Priam was left naked on the shore;<sup>4</sup> when Hecuba was dragged from prison to prison, treated with unparalleled cruelty and baseness, and at length barbarously murdered;<sup>5</sup> when we were to look at the calamitous situations of virtuous characters and matrons in whose houses we had once been hospitably treated;<sup>6</sup> and, above all, when La Fayette might be considered the origin and author of these calamities, he thought that “illustrious exile,”<sup>7</sup> as he was called, though, in fact, the outcast of the world, deserved the fate he had met with. Only one example of any such interference had been adduced—the case of the interposition of the late court of France, which was now so frequently denominated so despotic and tyrannical, in favour of sir Charles Asgill, an interposition which was chiefly rendered effectual by the exertions of the late unfortunate queen,<sup>8</sup> who, in the

<sup>1</sup> In a Declaration of 29 October 1793 the British government had for the first time publicly asserted a right to intervene in French affairs in order to re-establish an ordered government. It offered support to those French who committed themselves to a ‘monarchical government’. Pitt had restated this principle in the debate.

<sup>2</sup> Fitzpatrick had declared his personal friendship for La Fayette.

<sup>3</sup> He only loved his unfortunate friend too much; Virgil, *Aeneid*, ix. 430.

<sup>4</sup> Priam, the King of Troy, by analogy Louis XVI, was killed when the Greeks took the city.

<sup>5</sup> The wife of Priam, Marie-Antoinette by analogy.

<sup>6</sup> ‘He was acquainted with a number of them, and had been in their houses’ (*Parl. Reg.*, xxxvii. 614). Such acquaintances would have been made on Burke’s visit to France in 1773.

<sup>7</sup> This phrase was used by Banastre Tarleton in seconding Fitzpatrick’s motion.

<sup>8</sup> Sir Charles Asgill (1762–1823), 2nd Baronet, had as a young officer been captured by the Americans. In 1782 he was chosen by lot to be executed in retaliation for the killing by loyalists to Britain of an American officer. The case aroused much interest and sympathy. Asgill’s mother appealed to the French, as America’s allies, to intervene. A message was sent conveying the French court’s hopes that Asgill would be spared. Prompted by Washington, Congress agreed to release him. Fox had used this example, saying that ‘the offices of the Queen of France were solicited. They were granted and were effectual.’



exercise of her power, had ever displayed the utmost benevolence and humanity, and whose firmness, intrepidity and resolution in meeting her fate, would form an everlasting contrast to the tyranny, cruelty, and baseness of those by whom she was murdered.<sup>1</sup>—Mr. Burke adverted to the state of the prisons in France and particularly at Paris; and observed that there were upwards of six thousand prisoners, men, women, and children, lying on straw, and perishing for want of the necessaries of life. These unfortunate persons had been guilty of no crime. La Fayette, he contended, was the principal author of all their misfortunes, and of all the misfortunes that had befallen France; and, therefore, however much other gentlemen might pity him, Mr. Burke said, he certainly was not the object of his compassion. Instead of lamenting the condition of that man, he mourned over those crowds of truly illustrious exiles who were wandering over Europe, and to support whom the charity of the public was every where taxed; exiles who, deprived by him, in the first instance, of their titles,<sup>2</sup> were robbed of “that which not enriched him, and left them poor indeed!”<sup>3</sup> While these nobles were in this situation, stripped of that consciousness of rank which was the last consolation of the unfortunate, they were called upon to pass all these over with neglect, and turn their whole attention to citizen Fayette! This extraordinary affectation of sorrow for the lot of one culpable individual was ill-placed, ridiculous, and preposterous. It surely was not the business of this country to set up as general arbiter of the law of nations. Every nation had a right to claim her own citizens; but if she did not do so, no foreign state had a right to interfere and officiously make any such demand. Did France claim him? Yes, as a traitor,<sup>4</sup> whom the rabble that he had been the instrument in elevating to power were desirous of sacrificing! No other nation in Europe claimed him. His conduct in our contest with the Americans, we were required to forget; and he was very much disposed to do so; because, if a contrary principle was pursued, wars would be eternal. La Fayette’s behaviour, however, in entering as a volunteer into the American service, before any hostility had taken place between this kingdom and France, was not surely of such a nature as to entitle him to any extraordinary favour;<sup>5</sup> and as to his fondness for military

<sup>1</sup> Marie Antoinette had been executed on 16 October 1793.

<sup>2</sup> Burke is attributing the abolition of feudal rights and privileges on 4–5 August 1789 and of aristocratic titles on 19 June 1790 to La Fayette.

<sup>3</sup> ‘Robs me of that which not enriches him / And makes me poor indeed’; Shakespeare, *Othello*, III. iii. 160–1.

<sup>4</sup> The Convention declared La Fayette to be a traitor on 19 August 1792.

<sup>5</sup> La Fayette had been commissioned as a volunteer in the Continental Army on 31 July 1777.

glory, what could be said but that he who wishes to live by the sword must likewise run the risque of perishing by the sword?<sup>1</sup>—With regard to the right this man had to rebel against his lawful sovereign, he would say nothing but that the ruin of which he had been the promoter had at length overwhelmed himself; and he trusted that his downfall would be a lesson to mankind how any of them attempted to overturn the fabric of civilized society, lest they should also become the victims of their own rashness. The honourable general had admitted, that the constitution of 1789 could not exist,<sup>2</sup> and yet he had praised Fayette for pulling down a building which had remained for fourteen hundred years and had spoken of the purity of his intentions, when it could not but be recollected that he had brought back the king and queen from Varennes,<sup>3</sup> had imprisoned them at Paris, and had thus sown the seeds of that republicanism which were to ripen into his own destruction. Under these circumstances, lord Malmesbury,<sup>4</sup> at the court of Berlin, seizing upon one of the “*molliæ temporæ fandi*,”<sup>5</sup> which, as an able negotiator, he must be supposed to be well acquainted with, was thus to address the king of Prussia: “Thou dark and sanguinary tyrant! thou diabolical monster! give up M. La Fayette to the king my master, and there is a subsidy to you by way of ransom for so doing!” But if he should refuse to do so, we must console ourselves with reflecting, that while, in one city in the halcyon land of liberty, six thousand prisoners are confined, it required all the tyrants in Europe to club together to make out four prisoners.<sup>6</sup> Kings, indeed, ought to be cautious how they let such birds out of their cages. Louis 16th had let Fayette fly to America, and he had returned and imprisoned the master who had given him his liberty. It might be our interest, not only to forgive injuries, but to bestow favours; but with this individual we had done; and as we showed no enmity, as little were we obliged to bestow any friendship. M. La Fayette never supported royalty. He was the first that led an army of

<sup>1</sup> ‘All they that take the sword shall perish with the sword’; Matt. 26: 52.

<sup>2</sup> Fitzpatrick had said that the French Constitution of 1791 was so defective that it must have ended either in an autocracy or in a republic.

<sup>3</sup> La Fayette had formal responsibility for bringing Louis XVI back to Paris after his attempted escape. The accusation often made against him was that he had encouraged the King to flee and had then arranged for him to be apprehended.

<sup>4</sup> James Harris (1746–1820), 1st Baron Malmesbury, later (1800) 1st Earl of Malmesbury, British envoy to Prussia.

<sup>5</sup> Favourable occasions for speaking.

<sup>6</sup> As well as La Fayette, the Prussians were holding three others who had been members of the French National Assembly. They had been convicted of rebellion against their sovereign by an allied commission, including French royalists, and were sentenced to be held as state prisoners.

sans culottes<sup>1</sup> against that king who had released him from a prison and sent him to America to command his armies.<sup>2</sup> Not a man in France would join in the cause for releasing him now. He was not graceful to any party. He would not have been received, even had he been sent to Toulon. The Toulonese had no idea of the constitution of 1789;<sup>3</sup> they consisted of many descriptions of persons, some royalists, some republicans, and others who had no ideas of a government at all. It was absurd, then, to say that these persons inhabiting a sea-port town, with no respectability, and dreading a guillotine, which they had been expecting every day, could be supposed capable of settling the constitution of France. It might as well be said that the bawdy-houses on the Point at Portsmouth were capable of forming a constitution and government for England. It was wise then to leave matters as they stood when Lord Hood went there, and let the King of France, after he should be established, settle the constitution.<sup>4</sup> The Toulonese did not at that time demand Fayette, but they demanded Monsieur, the brother of the king as regent.<sup>5</sup> England had done La Fayette no injury and was not obliged to do him any service, but to leave him where he was. Like another Samson he had pulled down the great fabric which protected him,<sup>6</sup> but had not strength to raise it up again; and that circumstance, he trusted, would serve as a lesson to all persons, in future who should attempt to rebel against their lawful sovereign. That which he had raised up in the room of the fabric he had levelled, was pregnant with the seeds of republicanism and ruin. And this was the man now to be released! The present was the most extraordinary application he had ever heard made. It was made in behalf of the author of numerous horrors, which seemed to be a summary

<sup>1</sup> This is Burke's interpretation of La Fayette's role on 5–6 October 1789, see above, p. 291, n. 2.

<sup>2</sup> La Fayette was neither released from prison nor did he command French troops.

<sup>3</sup> The French naval base at Toulon had declared its independence from the authority of the Convention in the summer of 1793. An Anglo-Spanish expedition occupied the town from September to December, when the forces of the Republic recovered it. The occupation raised important questions as to what sort of regime the allies should seek to establish in any part of France under their control. British ministerial thinking about this differed much from Burke's views; see discussion in J. Mori, 'The British Government and the Bourbon Restoration: The Occupation of Toulon, 1793', *Historical Journal*, xl, 1997, 699–719. The town authorities had asked for 'a monarchic Government, such as it was originally by the Constituent Assembly of 1789'.

<sup>4</sup> Admiral Lord Hood, commander of the allied occupation, had accepted the surrender of Toulon in the name of King Louis XVII. British ministers disliked such a commitment.

<sup>5</sup> 'Monsieur' was Louis XVI's brother, Louis-Stanislaus-Xavier de Bourbon (1755–1824), Comte de Provence, later (1795) Louis XVIII. Fox had contested this, arguing that the people of Toulon were opposed to a restoration of the old monarchy.

<sup>6</sup> Samson had pulled down the Philistine temple of Dagon; Judges 16: 30.

of all that had ever taken place before in the world. And of all those horrors, there was no circumstance of barbarity—excepting the murder of the king and queen—more atrocious than the massacre of M. Foulon and Berthier.<sup>1</sup> The Abbé Foulon, son to that person was now in London,<sup>2</sup> and he often declared his anguish in these words, “I will be avenged of La Fayette; it was he that had my father murdered; it was he who tore out and devoured his heart”.<sup>3</sup> I would not (concluded Mr. Burke) debauch my humanity by supporting an application like the present, in behalf of such a ruffian.

In reply to protests by Grey about Burke’s ‘invectives’ against La Fayette,

Mr. *Burke* said, he spoke not of La Fayette’s character but of his actions.

Grey and Fox both questioned Burke’s allegations about La Fayette’s complicity in the murder of Foulon and Berthier de Sauvigny, Fox saying that many emigrants who had been at Paris at the time agreed that ‘he had done all he could to prevent it’.

Mr. *Burke* said, he had the authority of the Abbé Foulon, for charging La Fayette with the murder of his father and M. Berthier; and this authority was corroborated by various other well authenticated proofs.

Fitzpatrick’s motion was rejected by 153 votes to 46. La Fayette was handed over by the Prussians into Austrian custody in May 1794. There he remained until he was released in September 1797. In December 1796 Fitzpatrick took up his cause again in the House of Commons and moved again that Britain should intercede on his behalf. The motion was rejected by a large majority, but it caused great concern to Burke, who, now out of Parliament, lobbied his friends to oppose it.<sup>4</sup>

<sup>1</sup> Joseph-François Foulon (1717–89), Controller General of Finance, and Louis-Bénigne-François de Berthier de Sauvigny (1737–89), Intendant of Paris, had been murdered by a mob on 22 July 1789.

<sup>2</sup> Abbé Honoré-Charles-Ignace Foulon had held an office in the Parlement de Paris. He had met Burke in London in the winter of 1790–1. Burke had encouraged him to hope for revenge on ‘the true authors, not the miserable instruments alone’ of his father’s murder (*Corr.* vi. 264).

<sup>3</sup> Burke’s view was that La Fayette had ‘delivered [Foulon] over to a wicked gang of his Brother conspirators’ to be murdered (*Corr.* ix. 154). Other accounts contested this. According to the *Morning Chronicle*, 24 Mar. 1794, ‘all Paris bore testimony’ to La Fayette’s efforts to save the lives of Foulon and Berthier de Sauvigny. In trying to do so, ‘he exposed himself to the utmost perils’. See also the account of the events of 22 July 1789 in W. A. Miles, *A Letter to the Duke of Grafton with Notes, Including a Complete Exculpation of M. De La Fayette from the Charges urged against him by Mr. Burke*, London, 1794, pp. 87–9.

<sup>4</sup> *Corr.* ix. 152, 153–4, 185–6.



## Speech on Pensions and Sinecures Bill

### 8 April 1794

Source: *Parl. Hist.*, xxxi. 171–5; *Parl. Reg.*, xxxviii. 91–2.

Burke's speech was covered at some length in reports in the *Morning Post*, the *Sun*, and the *World* of 9 April and in the *Whitehall Evening Post* of 8–10 April 1794. The account in *Parl. Reg.*, xxxviii. 75–8 and 91–2 is longer than any of them and seems to have been derived from another source that has not been located. Significant additions were made to *Parl. Reg.*'s version of Burke's main speech in *Parl. Hist.*, xxxi. 171–5. Burke's brief contribution late in the debate is taken from *Parl. Reg.* xxxviii. 91–2.

John Harrison, an independent supporter of the opposition with a strong commitment against the war, produced a bill to lay a tax on offices and pensions. This was very much his own measure, supported with varying degrees of enthusiasm by Fox's supporters. What Harrison proposed was that, so long as the war continued, a tax should be levied of one quarter of the emoluments of 'efficient' offices, of one half of those which were sinecures, and of a half of what was paid in pensions. Those who held sinecure posts as well as drawing official salaries were to lose the whole income from their sinecures. Harrison's reasoning was that at a time of great hardship attributable to the war, the rich must show their willingness to make sacrifices. France's 'calamities' had arisen from 'the unbounded corruption and prodigality of the Court, giving luxury in the extreme to themselves and followers and penury and want to the millions that surrounded them'. In particular, he hoped that if ministers had personally to bear some of the burdens of the war, they would have a strong incentive to seek peace.

In denouncing the bill, Burke both restated (and to his critics seemed to retract from) the principles of his campaign for economical reform in the early 1780s. In other parts of the speech he anticipated arguments that he was to develop in the following year in *Thoughts and Details on Scarcity*.<sup>1</sup> He saw the bill as a measure for the redistribution of wealth by the state. This would not relieve the poor but it would undermine the fabric of society, which depended on the security of property.

Mr. *Burke* said, the present proposition was of so singular and unprecedented a nature, that he could hardly believe the honourable mover was serious in his mode of treating it. Undoubtedly, the great merit of a jest was, the serious carriage and deportment of him who was the author of it, who, while he made every one around him laugh, preserved himself a grave aspect. The honourable mover seemed to possess this talent in an eminent degree; for he had, in the most grave and serious language, brought forward a proposition at which he must not only laugh inwardly himself, but must know that others would laugh openly. The motion seemed to be of a twofold nature, and might be considered in two points of view: first, as a question of charity, and, secondly, as a question of policy. It was held out as the charity to relieve the distressed manufacturers of the country, but the policy was to relieve the distressed manufacturers of acts of

<sup>1</sup> See vol. ix, pp. 119–45.

parliament. He had supposed, that when the honourable gentleman brought such a motion forward, which was to be an object of revenue, and was to go in aid of the resources of his country, that some calculation would have been produced to show how much would be saved to the country by the proposed retrenchment. But no such thing had been done. The charity was to be applied, he supposed, to the manufacturers and their friends out of parliament, some of whom might be members of parliament, for ought he knew, in want of employ. "Materiam superabit opus."<sup>1</sup> Having hunted this varying Proteus in every shape,<sup>2</sup> they now pursued it to Norwich.<sup>3</sup> Why was Norwich the particular object? What had become of the poor Spitalfields weavers, for whom they had so lately raised subscriptions?<sup>4</sup> What had they done? Or why had all the kingdom so sunk in consideration, that Norwich only drew compassion? The gentlemen were very compassionate indeed, especially to the poor: but their compassion reminded him of the late queen-mother, who, when Somerset House was building, used to look at the prospect on the Surry-side of the water, and think of their poor inhabitants,

—"Whose dwellings lie First in her care, and always in her eye."<sup>5</sup>

He asked what benefit could, on a reasonable calculation, be expected from this new system of finance? He conceived the whole to be a mockery, and that the money raised by it would not even purchase small beer enough for the poor of Norwich for the supper of a single night. The proposition in itself he considered to be of the most dangerous kind, as it went to a direct invasion of the rights and properties of individuals; for the emoluments of places held under the crown were possessions as sacred as that of any landed property in the country, and a motion might as well be made for

<sup>1</sup> The workmanship was better than the subject matter; Ovid, *Metamorphoses*, ii. 5.

<sup>2</sup> Proteus was the sea god who constantly changed his shape.

<sup>3</sup> In introducing his bill, Harrison had instanced Norwich as a manufacturing city suffering acutely from the war. His motion had been seconded by Thomas William Coke (1754–1842), M.P. for Norfolk, who agreed that 'the great and opulent city' had 'severely felt' the effect of the war. Norwich was also at this time a centre of reforming agitation.

<sup>4</sup> There were many accounts of destitution in Spitalfields, the London silk-weaving district, said to have been caused by the disruption of trade brought about by the war and by a shift of fashion against wearing coloured and flowered silk. In June 1793 a committee of silk manufacturers and traders set up a fund for the relief of the weavers and their families.

<sup>5</sup> Burke is glossing on line 92 of 'On the Queen's Repairing Somerset House' by Abraham Cowley, published in 1668. This Queen Mother was Henrietta Maria (1609–69), widow of Charles I. After the restoration of her son, Charles II, she rebuilt Somerset House on the Thames. Cowley wrote that those who thought ill of 'the meaner Cabanes' on the 'humbler side' of the river should know that 'God and my God-like Mistress, think not so; / for the distress and the afflicted lye / Most in their Care and always in their Eye.' Identified by Jeff New.

taking a certain part of the property of a man who possessed ten or twenty thousand a year, which might be considered as a sinecure, as he had done nothing for it; in fact, every man who held any place of profit, by a legal title from the crown, had as good a tenure as that by which the honourable gentleman and his friends dared to bring forward and maintain such a motion—[Here Mr. M. A. Taylor<sup>1</sup> appealed to the Speaker. He said he thought every member had a right to make a motion in that House; and parliament had then the right to dispose of it. When such language was used as that they had dared to make a motion, he certainly would call to order, and by his legal information he knew that he was authorized to do so. The chancellor of the exchequer said, that when his right honourable friend had used the word that appeared so obnoxious, it seemed to him that he meant nothing more than the rashness and indiscretion of the honourable gentleman who made the motion. The Speaker said, he was himself in doubt whether he should have called the right honourable gentleman to order when he used the term; but an idea that it was used as the chancellor of the exchequer had explained it, prevented him.] Mr. Burke thanked the Speaker for his candour, and proceeded. Since the word dare was so exceptionable, he said, and as he was not that great Mr. Dare of whom every body had heard so much,<sup>2</sup> he would not dare to provoke those daring and courageous gentlemen again to call to order. He would call, then, their wisdom and moderation of relieving the poor (words to which they could not have objections) a more dangerous and ruinous proposition than he had ever heard of. He not only avowed his contempt, but abhorrence, of this dreadful beginning, which opened to a more fatal issue. These gentlemen, in their wisdom and moderation, and through compassion for the poor, were beginning the same plan for the destruction of all property as had been begun in France. There the first steps began on the pretext of relieving the poor, by the abolition of places, and the robbery of the clergy; next after that came on the seizure of landed, and afterwards of monied, property; so that at length things were come to such a miserable pass in that unhappy country, that a peasant could not call a basket of eggs, nor a pail of milk, his own. He would, therefore, always negative every beginning that had a tendency to shake the settled order of things. The present appeared to him to be a dreadful beginning. It was also a useless one. It was beggary assisting beggary, and perfectly ridiculous. He compared it to an egg, which was, indeed, but a paltry thing, but no one could

<sup>1</sup> See above, p. 333.<sup>2</sup> The reference is obscure.

tell precisely what an egg might produce.—He wished gentlemen to state what the places were that were to be thus taxed, and what the sums would amount to. He was sure that if the government had no better resources than these, they must soon put an end to the war. When he considered the efficient offices, he considered also the dignity of necessity attached to them. Ministers were fugitive beings; here to-day, and gone tomorrow. Mankind itself was so, and therefore efficient offices must have efficient means, or the business would be neglected. A state must be supported by abilities, and abilities by rank and appearance. There was an old-fashioned author, whom he supposed the honourable mover would treat as a strange, dogmatical, contemptible fellow—he meant Livy, the historian—who, speaking of some foreign ambassadors that had arrived at Rome, says, “Our nation may be the poorest upon earth, it is true; but what magistrates or ambassadors of any country ever made a more noble or a more dignified appearance?”<sup>1</sup> They were convinced that the dignity of the nation should be maintained, whatever might be the poverty of the people. Let any person reflect within himself, whether he would give the same wages to his game-keeper as to his footman, to his footman as to his groom. Does any gentleman give the same wages to a boy in his stable as to his cook, who entertains his friends when they join in festivity with him? Men in office must support their rank; they have expenses of a different nature to those of ordinary people; they have the condition, dignity, duties and importance of their situation to attend to. Thus, then, a first lord of the treasury, the chief and most important office belonging to his majesty, was to receive no more than 2,000*l.* a-year.<sup>2</sup> For his part, he believed the salaries of the servants of the crown were far from being adequate to their services; the crown had no mode of providing for them as formerly, as lord Salisbury and other great ministers had been.<sup>3</sup> He instanced lord Somers having at one time received 35,000*l.* for his services, and deservedly.<sup>4</sup> He was not able

<sup>1</sup> Such a passage has not been found in the *History of Rome, Ab Urbe Condita Libri*, by Titus Livius (59 BC–AD 17).

<sup>2</sup> It is hard to see how Burke reached this figure. Even deprived of any income from sinecures and taxed by a quarter of his official salary, the First Lord’s income would have been much higher than that.

<sup>3</sup> Robert Cecil (1563–1612), 1st Earl of Salisbury, minister under Elizabeth I and James I, enriched himself greatly from office to build up a huge landed estate.

<sup>4</sup> ‘He then recommended gentlemen to read Lord Somers’ speech upon the bankers, a wise and able composition’ for which he was ‘afterwards rewarded as he deserved by a no less sum than 35,000*l.*’ (*Parl. Reg.*, xxxviii. 77). John Somers (1651–1716) 1st Baron Somers, had presided over the case, known as the Bankers’ Case, brought in 1696 by royal creditors who had lost money when Charles II stopped payments in 1672. In 1780 Burke had quoted with approval Somers’s argument that a ‘permanent reward to public service’ was ‘the origin of families’ (*Speech on Economical Reform*; vol. iii, p. 528).



to set any precise value upon the abilities of any man. What could any man think would be an adequate compensation for the entire application of such talents as Mr. Erskine's, which he (Mr. Burke) certainly rated very high? He could not form any judgment upon the matter. He, therefore, that would hold out such a dangerous doctrine as the present, only robbed the poor, and unhinged that structure which protected them. If those gentlemen, who pretended to be such friends to the poor, would club together, they could raise more from their own private fortunes than could be gained by the proposed bill.—He contended, that as a matter of resource, the measure was trifling and inadequate; as a matter of policy, mistaken. It had not even the merit of being original: one similar to it had been formerly proposed, and he opposed it,<sup>1</sup> as he would the present, which was vain and futile, tending to injure the poor; since it could have no other effect than that of making them believe that government was doing every thing to plunge them into misery for its own ends. If the poor were to be relieved in no other manner, then let them submit to the will of God. No persons were more deserving of rewards than labourers for the public.<sup>2</sup> To take from the present labourers, he thought, would be a great injustice; and he verily believed that were the proposed bill to be adopted, the printing and paper would cost more than every thing that could be gained by it. He also considered the motion as delusive to the people; and supposed, that, if Russia should again give orders for the importation of Norwich manufactures into her dominions,<sup>3</sup> ministers were to have their salaries back again. It was curious to observe, that the accidental and fluctuating circumstances of manufactures and of commerce were always made a ground of imputation on the executive government. Must the constitution, and the regulation of the state, be suspended every time that any foreign power chose to prohibit the importation of any manufacture, which might occasion a temporary distress? Money was not the means whereby

<sup>1</sup> The main precedent for his bill that Harrison had cited had been a proposal made in 1691. But he was also reported to have cited 'a Motion that was made and carried in 1778 whereby several sums arising from sinecure Places and Pensions were appropriated for the Public Service' (*Sun*, 9 Apr. 1794). For this proposal and Burke's opposition to it, see vol. iii, pp. 372–3, 493–5. In his *Speech on Economical Reform* in 1780, Burke had said that he was not opposed to a 'tax on places' if certain conditions were fulfilled (vol. iii, p. 495).

<sup>2</sup> Burke was reiterating what he had said about the need for 'efficient' public offices to be properly rewarded in his *Speech on Economical Reform* of 1780, see vol. iii, pp. 529–31.

<sup>3</sup> Henry Hobart (1738–99), M.P. for Norwich, had asserted that the distress of the Norwich weavers arose not from the war, but from an edict of Catherine II of Russia 'prohibiting the import of certain of their manufactures into her dominions'.

distressed manufacturers were to be relieved; to give them money would be to make them idle, and prevent their return to industry.<sup>1</sup> If they chanced, by misfortune, to fall into poverty or distress, their sole relief must be from Heaven—Mr. Burke, in the course of his speech, said, in answer to a sarcasm thrown upon the minister's mode of coming into power, that it mattered not how he came in, or how he would go out, as far as related to the present subject.<sup>2</sup> It was the peculiar province of the crown to measure and distribute the proportion of rewards to the merits of its servants, and he was astonished that the House should be called upon to interfere in a matter not within the scope of their ordinary functions.<sup>3</sup> In his time he had seen many great men leave the stage with lean and inadequate fortunes. Perhaps it was expected that great men should serve the public as they are commanded to serve God Almighty, "with all their heart, with all their mind, with all their soul, and with all their strength."<sup>4</sup> He concluded by observing, that he came down to that House as it suited his humour; that he gave his opinions backward and forward without control, *pro consilio defensu*, as well as *se defendendo*;<sup>5</sup> therefore he should reprobate the motion *in toto*.

Sheridan spoke in favour of Harrison's bill with some enthusiasm and gleefully pointed out occasions in which Burke had just controverted what might presumed to be his long-cherished beliefs. Fox promised to vote for the bill while expressing reservations. Ministerial speakers opposed it. Towards the close of the debate,

Mr. BURKE, in explanation, entering upon a discussion of his opinions respecting the power of the House of Commons to controul the expenditure of the money which it voted, was called to order.

<sup>1</sup> Burke had spoken in similar terms on 16 March 1785 on a petition for relief from Manchester weavers: 'Nothing was more dangerous to manufactures and to morals, than to have large bodies of men, who were able to work, supported by public charity' (*Parl. Reg.*, xvii. 429). He was later to argue on the same grounds against raising agricultural wages 'by authority' in 'calamitous seasons' (*Thoughts and Details on Scarcity*; vol. ix, p. 126).

<sup>2</sup> The sarcasm on Pitt's coming into power had apparently been uttered by Coke. Later in the debate, Sheridan was to ask Burke whether he had forgotten 'those sentiments which he has so firmly recorded, and by which he has branded to all posterity the mode in which that Minister had entered on and persevered in the possession of his present situation?'

<sup>3</sup> Sheridan was to ask Burke whether he had forgotten that 'he had done precisely the same thing when he brought forward the bill known by his name, and which reflected so much honour to him, for regulating and limiting the civil list of the Crown', in which he had regulated official salaries?

<sup>4</sup> 'Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind' (Luke, 10: 27).

<sup>5</sup> Burke probably meant: to give advice as well as in self defence.

After the Speaker had permitted him to continue,

Mr. BURKE said, that he only wished to enforce, that he clearly and unequivocally acknowledged the inquisitorial right of the House of Commons to sift to the bottom every part of the Public Expenditure, when any shadow of grievance or abuse seemed to exist.—In this opinion he had lived, and in this he hoped he would die.

Harrison's motion for leave to introduce a bill was rejected by 117 to 48. He tried again in 1797, again without success.

## Speech on French Corps Bill 11 April 1794

Source: *Parl. Reg.*, xxxviii. 142–5.

The version of Burke's speech in *Parl. Reg.* was derived from the longest newspaper account of what was a lightly reported debate, that in the *Oracle*, 12 April 1794, to which significant additions were made. The version in *Parl. Reg.* was repeated in *Parl. Hist.*, xxxi. 378–81.

In response to numerous offers by French *émigré* notables, the government introduced a bill to enable French troops to be raised to fight against the republican regime.<sup>1</sup> These men were to be embodied in regiments with their own officers under British command. They would serve on the continent of Europe or in the West Indies, but not in the British Isles.<sup>2</sup> Ministers seem to have regarded this as an uncontentious measure to increase military manpower, but were warned that the Foxite opposition would attack it. Pitt asked Burke to attend the debate on the second reading so that criticism of the bill might be 'strongly met'.<sup>3</sup> Sheridan, who made the main speech for the opposition, condemned it as 'unnecessary and unconstitutional'. The opposition feared that the new French regiments were being raised to support a restoration of the old monarchy and they raised traditional arguments about the threats that foreign troops were thought to pose to British liberties. 'A body of French Roman Catholics . . . at the disposal of the Executive Government' was, Sheridan said, a most dangerous development. Furthermore, enlisting such troops was condemning them to certain execution were they to be captured. Burke spoke after Sheridan. He did not discuss the terms of the bill, but gave what was regarded as a very powerful exposition of the need, in the first instance, to rebuild French society by restoring property rights rather than to seek to create 'any particular system of Government'.<sup>4</sup>

Mr. BURKE professed himself sorry for the resentment which his having uttered the monosyllable "Yes," had occasioned in the mind of the

<sup>1</sup> Eight of such proposals, received by 28 March 1794, are listed in TNA, WO 1/388, pp. 159–60.

<sup>2</sup> For the bill, see *Commons Sessional Papers*, xcii. 89–91.

<sup>3</sup> *Corr.* vii. 537.

<sup>4</sup> He had made this case forcibly in *Remarks on the Policy of the Allies*, vol. viii, pp. 468–70.

honourable gentleman who had just sat down;<sup>1</sup> he hoped however, that the monosyllable that gave the honourable gentleman offence, contained little or nothing of the deleterious poison imputed to it. With regard to passion, he was too old to entertain any upon the subject of France. It had for a considerable time occupied much of his serious deliberation; and whatever he thought or felt upon it, was not a momentary impulse, but the result of calm, settled, and well-considered judgement.<sup>2</sup> This passion, if he felt any, might fairly be construed into *malice prepense*;<sup>3</sup> and if he killed a man, under its influence, he was ready to admit, that he should be guilty of murder. The smile or laugh alluded to by Mr. Lambton, when he talked of the former despotism of France,<sup>4</sup> Mr. Burke declared, he could seriously assure that honourable gentleman, was not a smile of levity, but a smile of bitterness and sorrow, arising from a conviction that France must pass through many severe trials, must swallow many a bitter pill, before she could be restored to that happy despotism under which he once saw her flourish. That mild, temperate, chastised government which they experienced under the monarchy, he was afraid, would be very long before it would return, if indeed it were probable that it should ever return again. If he were indeed passionate, if he were inflamed by inveterate antipathy and national animosity against that unhappy country, he could wish them no greater misery, than a lasting continuance of that under which they at present laboured. The condition of France at this moment was so frightful and horrible, that if a painter wished to pourtray a description of hell, he could not find so terrible a model, or a subject so pregnant with horror, and fit for his purpose. Milton, with all that genius which enabled him to excel in descriptions of this nature, would have been ashamed to have presented to his readers, such a hell as France now was, or such a devil as a modern Jacobin; he would have thought his design revolting to the most unlimited

<sup>1</sup> Sheridan had said that 'he conceived nothing more cruel, or more devoid of feeling and humanity, than driving unfortunate persons into the field, with a certainty of destruction, either of falling in battle, or the more dreadful alternative of being taken prisoners and hanged. If these Frenchmen in our armies should be so treated, on being taken in battle, were we to revenge their fate, and retaliate on the French prisoners in our possession? ["Yes," exclaimed Mr. Burke.] Good heaven! replied Mr. Sheridan—consider that the lives of millions may depend upon that single word.'

<sup>2</sup> 'Nothing', Sheridan had said, 'but the warmth which the honourable gentleman felt upon ministerial questions, could have led him into an expression which might be the herald of cool massacre to many of our own troops.'

<sup>3</sup> A predetermination to commit an unlawful act.

<sup>4</sup> The Foxite William Henry Lambton had said that the bill 'seemed to lead to a determination on the part of this country to establish the ancient despotism of France; a despotism which not even the people of that country would now submit to'. 'Observing Mr. Burke to smile at this expression, he censured the levity with which certain persons were in the habit of treating every declaration against despotism, or in favour of liberty' (*Oracle*, 12 Apr. 1794).



imagination, and his colouring overcharged beyond all allowance for the licence even of poetical painting. The assertion that this was a war of freedom against despotism, was equally fallacious and false. It was a war of perfidious rebellion against honourable loyalty, of infidelity against religion, of robbery against property, of murder against humanity, of barbarity against social order. He wished, if possible, to rescue the deluded people of that country from their infatuated freedom, a rescue, in the earnest desire of which every well-disposed person remaining in France must devoutly join. We talked here of the liberties of the Fleet, the liberty of the King's Bench, &c.<sup>1</sup> from which the French also seemed to have taken all their ideas of freedom; for the liberty of France at this moment centered in a *jail*. There was not an inhabitant who was certain of one moment in which he should not be removed from his own house to one of those dens of freedom; and how happy must they find themselves in a general jail delivery!<sup>2</sup> He observed, that an honourable gentleman had asked, Whether it was the intention of his Majesty's Ministers to re-establish the old despotism of France, by sending French troops into that country<sup>3</sup>—What were the objects of the emigrants who would enter into our service? To liberate their wives and their children, to be restored to their properties, to get possession of their vineyards, their olive-trees, and their fig-trees.<sup>4</sup> This was the horrible old despotism of France. Despotism and liberty, as the honourable gentleman made use of these names, were mere words. In the speeches of many gentlemen for some time past, the words *liberty* and *despotism* formed a very considerable ingredient; so much so, indeed, that it reminded him of a lawyer, who, in a very laboured harangue, was twirling a string from side to side with a great degree of violence. Some person having found a convenient opportunity, conveyed away the string, whereupon his eloquence failed him, and it was remarked upon the occasion, that "they had cut short the *thread* of his discourse." Thus it was with those gentlemen; take away the words Freedom and Despotism, and they could not get on a step farther. With them, if a man wished to preserve his wife and children from the guillotine, and retire into the bosom of his family—it was despotism. If a man was desirous to

<sup>1</sup> Both the Fleet prison and the King's Bench prison, primarily used for debtors, had Liberties adjacent to them where prisoners could live instead of being in actual confinement.

<sup>2</sup> A commission issued to assize judges authorizing them to bring to trial those held in confinement and to release those not indicted.

<sup>3</sup> Lambton, see above, p. 607, n. 4.

<sup>4</sup> 'they shall sit every one under his vine and his fig tree'; Micah 4: 4.

recover those estates transmitted to him by a long line of ancestors—it was despotism. If a husband-man wished to repose in his own farm, under his fig-tree, his olive, or his vine—that was despotism. If a farmer chose to keep *five* bushels of corn for the use of himself and his family—that also was despotism. In short, every thing was despotism which did not partake of that hideous system which was now the basis of what was termed the liberties of France. It was not for any particular system of Government that he contended, but for some Government. Let it be a pure monarchy, a democracy, or an aristocracy, or all mixed, he cared not, provided a Government did exist, the first principle of which must necessarily be security to property, because for the protection of property all Governments were instituted. First, therefore, restore property, and afterwards let that property find a Government for itself. The number of its inhabitants constituted the strength of a nation, but it was property alone on which Government was formed. If the formation of Government was committed to the no-property people, the first thing they would do obviously would be to plunder<sup>1</sup> those who had property; and the next thing would be to plunder and massacre each other. After all, if it were asked, Did he prefer property to virtue? His answer would be, No. To honour?—No. To morals?—No. To arts and literature?—No. But he respected property, in as much as it was the basis on which they were all erected—the soul that animated, and the genius that protected them all. In France were the poor better treated than the rich? Were they not forced to rise *en masse*?<sup>2</sup> To account for every bushel of corn in their possession? The shop keeper was put in requisition to make shoes for the armies. No labourer knew whether he should enjoy for a day his earnings, or even his liberty or his life. The original fault in the proceedings of the French Revolution was, that property was not permitted to have a vote. Every effort had been made to exclude it from legislation. Reverting to the precise question in debate, Mr. Burke thanked the Minister cordially for the wisdom and justice of the measure, and made, an appeal to Mr. Lambton, and other gentlemen, on the situation in which they, and men of great property like themselves,<sup>3</sup> must be placed, should the system of Jacobinism ever take place in this country; and that it would take place, there was real ground for apprehension, unless all those who had a stake to

<sup>1</sup> 'pluder' in original.

<sup>2</sup> The *levée en masse* was a system of conscription for military service.

<sup>3</sup> The Lambtons had estates in Durham from which they derived large revenues from coal-mining.

risk of their own, as well as a general regard for the interests of the British empire, took some pains by their influence to preserve order, enforce due subordination, and maintain quiet and tranquillity, by convincing the people that their true happiness consisted in a continuance of that constitution, and that government, under which they daily experienced so many inestimable blessings. Without wishing to be a prophet, he had no difficulty in declaring, that, *If French property was not restored, property in England would not have ten years purchase*. He was sorry to find the honourable gentleman (Mr. Sheridan) determined to oppose this bill. He admired and feared that gentleman's talents, and he regretted that he should meet with opposition from him.

Burke was said to have been 'listened to by both sides of the House with the utmost attention, and received with the most unbounded applause'.<sup>1</sup> Civility was observed across the floor of the House on this occasion. Burke paid tribute to Sheridan's abilities, while Grey 'paid many compliments to Mr. Burke'. The Duke of Portland heard that 'there is not a Jacobine who pretends to taste' who did not give his 'full tribute of applause' to Burke's speech.<sup>2</sup> One M.P. called it 'the first piece of eloquence, whether for elegance or argument, that ever was heard in the House'.<sup>3</sup> Philip Francis,<sup>4</sup> who had been very critical of the *Reflections*, said that he agreed with 'almost all the opinions' that Burke 'had now expressed, and particularly in every thing he had said of the effects of property on the relations, duties, improvements, and securities of cultivated life, and civilized society'. The bill passed its second reading by 105 votes to 30. Burke was to speak again on it at its committee stage.

## Speech on French Corps Bill 17 April 1794

Source: *Parl. Reg.*, xxxviii. 187-94.

There appear to have been two long newspaper reports of Burke's speech: one in the *Sun*, 18 April 1794, and one in the *Oracle*, 24 April 1794, which 'from the great importance and obvious impression' of Burke's speech, printed 'a more full and correct detail' of it than the one included in the *Oracle*'s earlier account of the debate on 18 April. *Parl. Reg.* based its account on the later *Oracle* version but with significant amplifications in the early part of the speech and adding Burke's brief contribution to the later stages of the debate. The version in *Parl. Reg.* is repeated in *Parl. Hist.*, xxxi. 420-7, 428.

Fox sustained his opposition to the bill which was to create French corps in British service into the debate on its third reading. In a long speech, he denounced the bill as marking a decisive change in the objectives for which Parliament had agreed to go to war. It was 'a virtual engagement on the part of this country to restore the ancient government of France, and to replace these emigrants in the situation in which they were formerly in'. Dundas

<sup>1</sup> *Oracle*, 12 Apr. 1794.

<sup>2</sup> *Windham Papers*, i. 212.

<sup>3</sup> By Matthew Montagu (1762-1831), *Sun*, 15 Apr. 1794.

<sup>4</sup> (1740-1818).

replied, stating that the overthrow of the existing French regime was the aim of British policy while avoiding commitments as to what was to replace it. Burke then replied to Fox. He evidently adopted a somewhat playful tone, beginning his speech in 'a strain of delicate raillery, strong satire and elegant wit, which kept the House in a continued roar of laughter for the first half hour',<sup>1</sup> but which earned him Sheridan's reproof for levity on 'serious and calamitous subjects'. Burke had, however, a stern message. Fox had invoked humanity as 'the strongest and the safest friend to virtue'. Burke replied that 'Justice', which included the duty of retaliation against any 'severity' committed by an enemy, 'is the ground-work of which humanity is the superstructure, and cannot subsist without it. A vain ostentatious display of that virtue may, indeed, be made, as has been done for the last thirty years in France, but I have no doubt that all the horrors which have taken place in that country, may in a great measure be traced to that very source, namely, affected humanity, devoid of justice.'

Mr. BURKE said, The right honourable gentleman, (Mr. Fox) in making the panegyric of humanity, has not forgotten to claim for himself a full share of that virtue, at the same time that he has thought proper to detract from the portion of it which I may possess.<sup>2</sup> That humanity is highly praiseworthy, and that he possesses much of that good quality, is certainly true; yet this formal panegyric, on an occasion so little adapted, wears a good deal the appearance of what the ancients would have called *ambitiosa ornamenta*.<sup>3</sup> It has no discernible use; for, in fact, it only asserts that which every one admits, and which has never yet in this House been called in question. This proceeding reminds me a good deal of the saying of an old Lacedemonian, a sour, surly sort of a fellow, who, when they were praising Hercules, said, "Pray, who blames him?"<sup>4</sup>—So, in like manner, it might be asked of the right honourable gentleman (Mr. Fox) "What Member in that House blamed humanity?" The mode of reasoning pursued by the right honourable gentleman was undoubtedly, in that instance, repugnant to the rules of rhetoric, nay, diametrically opposite to the principles of eloquence. There never was a subject upon which the right honourable gentleman could exercise his eloquence, and of that he had a most uncommon share, to so very little purpose, more especially in that House, as upon the subject of humanity; for every Member in that House, to its praise be it spoken, was thoroughly acquainted with, and uniformly acted upon, the sentiments of humanity. The right honourable gentleman has therefore thrown away his breath upon the subject; but if the right honourable gentleman had

<sup>1</sup> *World*, 18 Apr. 1794.

<sup>2</sup> Fox had 'begged leave to say that he did not mean to boast of having more humanity than any other person, but he begged leave to say too, he hoped he had not less than any other person'.

<sup>3</sup> Pretentious ornamentation as in 'ambitiosa recidet ornamenta'; Horace, *Art of Poetry*, 447–8.

<sup>4</sup> See above, p. 331, n. 4.



preached his sermon on humanity in the Jacobin Club, or in the Club of the Cordeliers,<sup>1</sup> no man could deny that it would not be remarkably opportune and extremely necessary at the present time. To them that were so abandoned might be said,

“*Discite Justitiam moniti, et non temnere Divos.*”<sup>2</sup>

Whatever chance there was that so excellent a discourse might make some impression on the minds of the Jacobins, yet I have too great an esteem for the right honourable gentleman's talents, too great a reverence for his abilities, too great a regard for his humanity, too great a love for his generosity and good nature, too great an anxiety for the safety of his person, to entertain a wish that the right honourable gentleman should go in person among the Jacobins to preach his sermon upon humanity, and to apply it in any effectual way. Whatever merits, however, humanity may possess in theory, I am one of those who hold its practice in higher estimation, and am therefore led to measure the actions of the right honourable gentleman with his professions. He regards the state of the French emigrants with strong emotions of pity, and yet without any distinguished private assistance to them;<sup>3</sup> he now comes forward to oppose the only public relief of a comprehensive and radical nature which can be suggested; from the abundance of his compassion, he “leaves them Providence's care.”<sup>4</sup> On this, and on some other occasions, I cannot but suppose him led astray by an unfortunate bias, or perhaps that desire of personal triumph which is so common to us all. To the objects of oppression he is prodigal of pity, yet penurious of relief; and to its authors, ready to condemn, yet unwilling to chastise. No stoic was ever in a state of more perfect neutrality to mankind, not even Zeno himself.<sup>5</sup> I mean not, however, to cast any general imputation on the doctrines of that ancient sect which has produced many virtues, and will, I have no doubt,

<sup>1</sup> An overtly republican club founded in August 1791 as the Society of the Friends of the Rights of Man and the Citizen.

<sup>2</sup> Having been warned, learn justice and do not despise the gods; Virgil, *Aeneid*, vi. 620.

<sup>3</sup> From the autumn of 1792 committees were being set up to raise funds for the refugee French clergy. Burke's *Case of the Suffering Clergy of France* was published in September 1792. The implication of what Burke said is that Fox had not subscribed.

<sup>4</sup> ‘But the good bishop, with a meeker air, / Admits, and leaves them, Providence's care’; Alexander Pope, ‘Of the Use of Riches’, *Moral Essays*, iii. 105–6.

<sup>5</sup> Zeno of Citium (c.334 c.262 BC), reputed founder of the Stoic school of philosophy. Fox had tried to refute what he considered to be the view of the Stoics that ‘humanity’ was ‘a weakness in our nature’. For him, it was ‘the strongest and the safest friend to virtue’.

produce many more. Now as to the monosyllable *yes*, which I uttered on a former occasion,<sup>1</sup> I have only to observe, that *yes*, in the old English, was called—

“Ay, ay, ay—a word more fatal thrice  
Than the Eye of death-doing Cockatrice.”<sup>2</sup>

The notice that has been taken of this, places me in a light of importance, to which, I am conscious, I can have no pretension.—This trite and oracular species of eloquence seems to have more effect than all the long harangues I ever delivered; and I should, perhaps, do well in future to forbear my usual mode, and confine myself to this short and sententious style. From the severity of comment to which the poor monosyllable has been subject, the world must have been led to think that I have taken up my morals at random, or merely on sentiment, and that I was totally unprepared to defend them on principle. In the first place, however, it must not be forgotten, that what I said came from an individual, having no participation in His Majesty’s Councils, and of course carried with it no Ministerial authority, though it has all along been treated in a light directly the reverse. As a general principle, founded on policy and the law of nations, I am ready to repeat, and maintain, that retaliation of any severity which an enemy may practise, is right and proper. I know full well that the application of this principle to any case which may occur in practice, will depend on circumstances. A question of policy will then arise, which must be determined by prudence, the essential constituent and regulator of all virtue. This practical restriction has, however, nothing to do with the general principle. The *lex talionis*<sup>3</sup> is a part of the law of nations, as founded on that of nature; when, therefore, any infraction of that law takes place, retaliation is the punishment provided, and the infliction of it is essential to humanity, as well as justice. The distinction between rebel and enemy is a subtlety which will not apply, as the National Convention affords no protection to its miserable subjects, and has forfeited all pretension to allegiance. From its own principles, and its own conduct, it has destroyed all rights of Sovereignty. These corps must therefore be regarded purely as a part of that army under whose banners they serve. As to the policy, in a more general view, what can be more manifest, than that every system of

<sup>1</sup> See above, pp. 606–7.

<sup>2</sup> ‘Say thou but “ay”, / and that bare vowel I shall poison more / than the death-darting eye of cockatrice’; Shakespeare, *Romeo and Juliet*, III. ii. 45–8.

<sup>3</sup> Law of retaliation.

fear will invite the evil it means to deprecate; whereas if those who violate the law and practice of nations, find that the evil of that infraction will fall in common on themselves, they will be induced to refrain and desist. Locke is of the same opinion relative to the *lex talionis*;<sup>1</sup> and though I do not subscribe to all which he has advanced, his authority is on every subject of great weight.<sup>2</sup>—God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I should not scruple, if I were so far honoured as to be consulted by any part of the allies, to declare that they were bound alike by honour, duty, and interest, not to suffer any one act of severity to pass unretaliated.<sup>3</sup> It is a call of justice, and as such an integral of humanity, without which man would cease to be a beautiful part of the general community of the world. Justice is the ground-work of which humanity is the superstructure, and cannot subsist without it. A vain ostentatious display of that virtue may, indeed, be made, as has been done for the last thirty years in France, but I have no doubt that all the horrors which have taken place in that country, may in a great measure be traced to that very source, namely, affected humanity, devoid of justice. But the right honourable gentleman is fearful we may inflame the Jacobins by this severity on our part. Inflame a Jacobin!! You may as well talk of setting fire to hell. Impossible! The measure of their rage and iniquity overflows, and cannot be increased. Friend and foe, Royalist and Republican, all fall beneath the savage havoc of that club, and its worthy coadjutor, the Cordeliers; nor are the members of either secure from the other, or even itself. Jacobin slaughters Cordelier, Cordelier butchers Jacobin, and, at times, each inverts the murderous knife into its own bosom.

“High-crested tyranny sweeps on,  
Till each man falls by lottery.”<sup>4</sup>

<sup>1</sup> Those who have committed ‘unjust violence and slaughter’ in any instance ‘have declared war against all mankind’ and ‘upon this is grounded the great law of nature, *Whoso sheddeth man’s blood, by man shall his blood be shed*’ (Locke, *Two Treatises of Government*, II, ii, sec. 11).

<sup>2</sup> According to the *Morning Chronicle*, 18 Apr. 1794, Burke said something rather different about Locke: ‘Retaliation was the law of nature; even Locke, whose book in general was one of the worst ever written, was right in this.’

<sup>3</sup> On 26 May 1794 the Convention instructed its armies and fleets that no British or Hanoverian prisoners should be taken. Some captured British soldiers and sailors seem to have been murdered. The Duke of York, commander of the British force in Flanders, ordered that there should be no retaliation on French prisoners (see N. Hampson, *The Perfidy of Albion: French Perceptions of England during the French Revolution*, London, 1998, pp. 142–3).

<sup>4</sup> ‘So let high-sighted tyranny rage on, / till each man drop by lottery’; Shakespeare, *Julius Caesar*, II. i. 124–5.

For the deplorable, for the lamentable, situation of France, no man feels more than I do. For myself I may be indulged to say,

*"Non ignara mali, miseres succurrere disco."*<sup>1</sup>

"No stranger to misfortune, I have learned to feel for the distressed."

Whatever is said of the tyranny of Princes, sure I am, that an attentive observer of history will discover, that their practice is more lenient than the mildest doctrine of theorists. These have only to struggle between their pen and their paper, Princes wrestle with the warm sympathies of nature. To the honour of practical humanity, only four instances of wanton and unnecessary murder occurred throughout the whole course of the American war;<sup>2</sup> a forbearance which reflects equal credit to both parties. In the history of Princes some instances of unnecessary severity may be found, but their general practice is just and merciful. I, for instance, think that Cameron and Radcliff,<sup>3</sup> in the later periods of our own history, should not have been executed. In 1688, the Irish brigades were taken into the service of France, and retained their own uniform, yet this country, though often courageously opposed by these troops, has not, in any instance treated them as rebels when the fortune of war cast them into our power. In the rebellion of 1746, a whole regiment of them were taken, but no severity was practised. France herself, under Louis XIV. conducted herself in the same way. Many of her regiments, after the cruel and impolitic revocation of the Edict of Nantes, were taken into the pay of Prussia, Holland, and Great Britain, yet she never sacrificed these troops when they became prisoners.<sup>4</sup> The battle of Fontenoy<sup>5</sup> was gained principally from the exertion of the Irish brigade, and though they fought against us in an open and direct rebellion, these extremities were not thought of. Lord Ligonier, an officer of great note in our service, was a Frenchman by birth, and when taken prisoner fighting against France, was exchanged in the usual course for an officer of the same rank.<sup>6</sup> The old

<sup>1</sup> Virgil, *Aeneid*, i. 630.

<sup>2</sup> It is not clear what instances Burke had in mind. Atrocities by both sides were much more numerous than he implies.

<sup>3</sup> Archibald Cameron (1707–53) and Charles Radcliffe (1693–1746), styled 5th Earl of Derwentwater, were Jacobites put to death in contentious circumstances, long after the offences for which they had been convicted were committed.

<sup>4</sup> These men would have been French Protestants, who enlisted in other armies after the Revocation of the Edict of Nantes in 1685.

<sup>5</sup> In 1745.

<sup>6</sup> John Ligonier (1680–1770), 1st Earl Ligonier, was of Huguenot origin. He rose to be field marshal in the British army. In 1747 he was captured by the French at the battle of Lauffeld and was exchanged.



humanity of Princes therefore when fairly examined, need not shun any comparison with the new-born republican tenderness of modern times, which has been boasted of with such insulting triumph and insidious detraction. Fact is the mortal enemy of declamation, as analysis is of rhetoric, and perhaps from some decay of imagination likewise, I feel myself much inclined to avail myself of these advantages on this occasion. The same instances of mercy and forbearance may be collected from the conduct of Germany, Sweden, and every other power in Europe. As to Germany, it is impossible not to recall the late cases of insurrection in the Netherlands, both of which were subdued by the main force of armies;<sup>1</sup> yet what is the consequence, a general amnesty, and the voluntary establishment of those articles for which the people of that country contended.<sup>2</sup> In Sweden too, how was the late murder of her King, and foul conspiracy against her Government punished?<sup>3</sup> Was it in a manner which resembled the merciful judgements of the Revolutionary Tribunal? Mankind, therefore, has been better used by its rulers, than most people, judging only from theory, can imagine, and in fact, never experienced a pure and merciless tyranny before the Jacobin authority of France; and I must repeat what I have before said, that if every instance of oppression, injustice, and cruelty, throughout Europe for 100 years were collected together, the sum total would fall infinitely short of the same instances of tyranny which have occurred in any one week since the revolution of France. A general combination against a country, though not conclusive evidence, is a very strong presumption of its meriting the enmity which it has excited, and it may be useful to remind the House, that these combinations are not unknown to Europe. What other was the league of Cambray against Venice,<sup>4</sup> or the confederacy against Louis XIV. Yet did these countries act as France now does? Did they talk of raising corps of assassins for their enemies, or of subverting or destroying every establishment in Europe? Did they massacre Generals and Ministers? On the contrary, it may be shown they became more moderate and merciful. In this country, when a man exposes his head in the pillory, he loses all pretension to credit; not so, however, when he exposes it at Paris in the guillotine; his credit remains, the head is all that is lost. A very stout

<sup>1</sup> The restoration of Austrian rule after the revolt in the southern Netherlands in 1789–90 and after the French occupation of 1793.

<sup>2</sup> After crushing the revolt of the Austrian Netherlands, the emperor Leopold II (1747–92) had restored the old representative institutions. These were swept away by the French regime that followed.

<sup>3</sup> Gustav III (1746–92), King of Sweden, was assassinated in March 1792.

<sup>4</sup> An alliance of European powers against Venice concluded in December 1508.

Republican, one Lanjannay, whose republicanism could not, however, save his head from the democratic guillotine, has made a written declaration of some facts, which, as a member of the Convention, and a municipal officer of the city of Paris, he had particular opportunities of knowing.<sup>1</sup>

1. That since the revolution no murder or pillage has been committed, in any one instance, but what was previously planned and agreed to by the reigning powers at Paris.

2. With respect to the dreadful carnage of September, 1792, it was settled by the five leading men of that day. That lists of proscribed people were previously handed about, in which the names of each person to be murdered was set down, and that the assassins employed received 100 sous a head for every object they dispatched, which, in two days only of that massacre, amounted to the dreadful number of 8000 people. The terrific 14th of July, the deaths of Foulon and Berthier,<sup>2</sup> all proceeded from the same arrangement and plan, which distinguishes the more settled progress of this mild and beneficent revolution. As the humanity of Princes bear no comparion to the excesses of licentious anarchy, neither does their justice. To advert to the much-abused ancient Government of France.<sup>3</sup> Throughout the whole of Louis the XVIth's reign, I defy any one to produce me an instance of injustice, or the violation of private right. The only thing approaching to it was in a case between the Crown and Corporation of Bourdeaux, on a question of allusion relative to some land on the river Loire. This was seized on by the Ministers as the property of the Crown; on an application, however, to the King in Council from the Corporation of Bourdeaux, he, himself, Louis XVI. after hearing the case, proposed, with his own voice, in Council, to return the land, which was

<sup>1</sup> Burke was quoting from a statement to the Convention on 8 February 1793 by Jean-Denis Lanjuinais (1753–1827), which was reported in *Morning Chronicle*, 16 Feb. 1793. Lanjuinais, whose name as pronounced by Burke evidently caused difficulty for the reporters, was an ally of the Girondins and a bitter opponent of the radicals of the Mountain. He escaped arrest and the execution that would have followed.

<sup>2</sup> See above, p. 599.

<sup>3</sup> In the version of this section of the speech in the *Sun*, 18 Apr. 1794, Burke was reported to have said: 'Next, to restore the ancient despotism in France, bad as it was, it was only to restore every man to his *fig-tree* and to his *vine*—Of many *good fig-trees* and *good vines* he knew both in Normandy and Brittany. Under the ancient Government no man's fig tree, or vine, or chateau, or palace was violated. There were, as in Egypt, many good things and many bad things in that Government.' He then cited the case of the alluvial land in Bordeaux. 'To some Gentleman it might appear disorderly to mention facts. At the period of life at which he had arrived, when he had no imagination nor fancy, it surely ought to be allowed him, by way of consolation, to recur to the *stumps* of his *memory*. Gentlemen ought to recollect that MIRABEAU was rescued out of the hands of justice by being thrown into the Bastile. The People of England were as well as they could be. The Poor had a charitable legislation to look to; they could demand support both from the persons in a middle station in life, and from the rich.'

accordingly done.<sup>1</sup> Mirabeau, the inveterate enemy of the Parliaments, owned, that their justice was without stain or suspicion, and before their power the antient aristocracy itself trembled.<sup>2</sup> As to the progress and event of this mighty contest,

“It is not for me this dark abyss to tread,  
And read the book which angels cannot read.”<sup>3</sup>

But I shall regard with great anxiety and dread, every event which gives strength to the power of France, and shall endeavour to oppose every attempt to justify and excuse the monstrous enormities which she has committed. These attempts at least tend to diminish the natural horror and indignation which is common to every well-disposed mind in contemplating the events that have lately happened there. What we excuse, we are soon led to justify; what we justify, to admire; what we admire, to imitate. It has been said that they always sought an union with this country, and that they would now readily listen to any overtures of peace. I believe it; but then it must be on the terms of receiving their principles, and being exposed to their machinations. They say, “Let me fraternize you, and conquer Europe.” On those terms, and those only, can any compromise take place. No uncertainty of future events or present evil can therefore be brought in comparison with this worst of all evils, rapid, unlimited, and irremediable. As to the Scheldt being the object of the war, or any regulation concerning that river, you may as well talk of a chamber-pot being the object.<sup>4</sup> It is to resist and destroy the savage power of a desperate gang of plunderers, murderers, tyrants, and atheists, with whom a state of war is a state of comparative respite and security. To treat with them is impossible. No one in France can answer for his head to-morrow. An idea of permanent authority is completely ridiculous. Each faction represents so many *Ombres Chinoises*<sup>5</sup> who after dancing a while before our eyes, pass away in quick succession, and are heard of no more. This cunning and malignant enemy

<sup>1</sup> A royal *arrêt* of 1781 had ordered an inquiry into the usurpation of lands along the rivers Gironde and Dordogne. After spirited opposition by the Parlement of Bordeaux, the King confirmed private property rights in these lands in 1786 (W. Doyle, *The Parlement of Bordeaux and the End of the Old Regime, 1771–1790*, London, 1974, pp. 249–63).

<sup>2</sup> Burke was probably citing Mirabeau’s account of the Parlements in his *Des Lettres de Cachet et des Prisons d’État* (translated as *Enquiries Concerning Lettres de Cachet, the Consequences of Arbitrary Imprisonment, and a History of . . . the Sufferings of State Prisoners*, 2 vols., London, 1787, ii. 255–61).

<sup>3</sup> John Dryden, ‘Britannia Rediviva’, 226–7.

<sup>4</sup> Fox had argued that Britain had gone to war to halt acts of French aggression, such as the opening of the Scheldt, not to change the French government.

<sup>5</sup> Chinese shadows: that is, puppets.

makes war on principles, desperate and unknown; she must therefore be opposed by vigorous and unprecedented measures, strong and comprehensive like the present. One of their plans has been to liberate at once all the blacks in the West Indies,<sup>1</sup> and this not with a view of disseminating liberty, but of reducing into one common ruin our islands and their own.<sup>2</sup> These horrid plans of desolation call for measures of the most speedy and vigorous counteraction; and if a war of destruction and extermination takes place, it is they that have caused it. All distinction between offensive and defensive operations is destroyed. Their power must perish or Europe cannot be safe. For these desperate attempts, unfortunately they have found new and efficacious means of perpetration, the power of terror on the human mind was never completely known before, they have made it substitute or produce every quality they sought for, and thereby have gained possession of all the energies of which our nature is susceptible. It has been said, their excesses have arisen from being goaded to fury by the combination against them.<sup>3</sup> Did the former combinations in Europe against particular states produce this desperation? No. This apology for their savage excesses, is only to be found in English writings and speeches, and is brought forward as the last resort of argument. In fact, however, their crimes and outrages spring directly from their principles, and had existence long previous to the war—[a voice exclaimed “with this country.”] I say previous to the war with any country, they had degenerated into savages, and had excited the universal detestation of mankind by their own principles and spontaneous acts of ferocity. In the preceding history of Europe, no instance can be given of a general combination against liberty. Man seeking relief from oppression, and really struggling for liberty, is an object of irresistible compassion to all mankind, and even excites a sympathy in tyrants themselves. I therefore must declare, that I rejoice in the proposed plan of arming France against France, and most heartily approve of the principles on which it is maintained. The war must no

<sup>1</sup> The Convention on 4 February 1794 abolished slavery in France and in French colonies.

<sup>2</sup> The account in the *Sun*, 18 Apr. 1794, has a section on the war in the West Indies. ‘A great deal had been said about the French West India Possessions: from the very moment they commenced the War, they relinquished all idea of keeping their Islands. It was a circumstance well known at Jamaica, that the French had ruined some of the finest Colonies, and had formed a project of embodying 300,000 Blacks to over-run and lay waste all our Possessions in the West Indies. Therefore, Gentlemen would do well to consider this circumstance before they condemned the Expedition to the West Indies—an Expedition that had for its object the preservation of some of our most valuable possessions, and the rescuing of the most desirable acquisitions from the *Jacobin Mass* of ferocity and servile barbarism.’

<sup>3</sup> Fox had argued that the French had been ‘driven to this sort of bloodshed and horror’ by the prospect that the allies would re-impose the old order on them.



longer be confined to the vain attempt of raising a barrier to the lawless and savage power of France, but must be directed to the only rational end it can pursue—namely, the entire destruction of the desperate horde which gave it birth.

Fox repeated his view that ‘of all arbitrary governments . . . the old government of France was the most oppressive to the lower classes of people’ and that the allied combination against France was ‘the cause of many of their crimes’. Nevertheless, if he was ‘supposed to state that as an apology for them, he was misunderstood’.

Mr. BURKE said, he knew that nothing could be farther from the intention of the right honourable gentleman; he had only considered what would be the effect of his argument. He was convinced in his mind the right honourable Member abominated the transactions now mentioned; but he was apprehensive that his remarks, as stated, might make a wrong impression on those who heard him.

Sheridan devoted much of a long speech to answering Burke. He began by assuring him that he had never heard him

display more talents, more variety, or more eloquence, than on the present occasion; and he shewed by no means any appearance of declining faculties or powers in the wane, except when the right honourable gentleman found it convenient, for the sake of argument, to lose his memory. But though confessing his splendid talents, he could not grant to the right honourable gentleman one quality which he assumed to himself, that of being a plain matter of fact man; for he certainly had never heard a more varied fancy, or splendid imagination displayed, or greater arts exercised to inflame the mind or mislead the reason.

Sheridan urged Burke to consider whether ‘the enormities committed by the people of France’ must not be attributed ‘to the ancient form of their Government’ to which Burke was so sympathetic. If people ‘were prone to deprive others of their property, it was because they were accustomed to see small respect paid to property; if they were eager to spill innocent blood, it arose from their being accustomed to see the life of man made light of’. The old royal courts had been ‘notorious for their misconduct and perversion of right’. The French were atheists now because ‘Their clergy, at least the higher orders of them, were professed Atheists or Deists’.

After some further discussion, the third reading of the bill passed without a division.

## Speech on Bill for Suspending Habeas Corpus 16 May 1794

Source: *Parl. Reg.*, xxxviii. 267–9.

The account in *Parl. Reg.*, reproduced in *Parl. Hist.*, xxxi. 517–20, seems to be based on the longest of a set of thin newspaper accounts, that in the *Oracle*, 17 May 1794, to which it added a significant passage.

In the winter of 1793 there was a marked proliferation of radical societies and calls for combined action by forming conventions which would draw up demands for reform and, if necessary, ensure that they were enacted. The Pitt government interpreted this as a threat to create an authority which would supplant Parliament. The British Convention, which met in Edinburgh in October and November 1793 was forcibly dissolved and some of those involved were brought to trial in Scottish courts. In the spring of 1794 there were calls for a convention to be held in England. This prompted the government to act against two societies, the London Corresponding Society and the Society for Constitutional Information. Their leadership was arrested on 12 and 13 May and their papers seized. In response to a royal message that the societies were planning a 'General Convention of the People . . . on Principles . . . directly tending to that System of Anarchy and Confusion which has fatally prevailed in France', the House of Commons was asked to appoint a secret committee to investigate the papers and recommend appropriate measures. A committee of twenty-one, including Burke, was chosen on 14 May. It reported on 16 May. Pitt then presented the report and moved for leave to introduce a bill 'to secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government': that is, to suspend the provisions of the Habeas Corpus Act for eight months.

The opposition opposed both the bill and the hurry with which the House was being asked to deal with it. Fox, Sheridan, and Grey all spoke early in the debate. For Fox, any threat posed by the calling of a convention was much less than the danger of giving 'the Executive Authority absolute power over the personal liberty of every individual in the kingdom'. 'You are', he warned the House, 'going to give up the very best part of your Constitution.' Burke replied with what a newspaper described as 'a brilliant piece of Oratory without a single quotation.'<sup>1</sup>

Mr. BURKE thought that when the broad axe of vengeance was so broadly displayed in their view, it might not be amiss to consider a little what was that mighty provocation which seemed to call for it? It was simply this—that if a Minister advised His Majesty to comply with the wishes of the other two branches of the Legislature, in giving his Royal assent to a measure which they thought immediately necessary for the safety of the State, he should for such offence be sentenced to the guillotine.<sup>2</sup> Would it not be fair to ask where this law was to be found which would inflict a punishment of such severity? Not, surely, in the code of British criminal law, which held it meritorious in the servants of the King to keep up the best possible understanding between him and his Parliament. The philosophy of France, however, was so inexhaustible in sanguinary precedents, that possibly something may be found in the proceedings of the Revolutionary Tribunal, which may sufficiently suit the circumstance in question. Without meaning, in the smallest degree, to dispute the magnanimity of Mr. Sheridan, in despising newspaper attacks, and

<sup>1</sup> *World*, 17 May 1794

<sup>2</sup> Sheridan had said that 'he should not be sorry to find that any Minister who should advise his Majesty to pass a Bill of this magnitude, so hurried through the House, should lose his head upon the scaffold'.

never subjecting them to a prosecution, he could not easily believe that his provocations were not such as may be easily paralleled. A man so prominent upon the theatre of politics, and who possessed, as he unquestionably did, uncommon genius and activity, must naturally expect to be drawn before the scrutinizing tribunal of a newspaper; and he was very much deceived, if Mr. Sheridan, generally speaking, was not very mercifully dealt with. At least, he never knew a gentleman so much in the eye of the Public, who had fared better with our diurnal censors. He thought it, therefore, rather strange, that when he declined the invidious talk of prosecuting himself those papers in which he was traduced, he should be so ready to confer that employment upon the Attorney General.<sup>1</sup> If his advice could have any weight, he would recommend to the learned gentleman not to accept of the commission, lest he should draw upon himself that animadversion from which he attempted to free his neighbour. It was, he believed, frequently true, that physicians who attended at hospitals, in order to effect a cure, fell victims themselves to the infection, which had not, perhaps, so fatal an effect upon their patients. Mr. Burke then entered on the defence of the measure, which he sincerely lamented the necessity of the times had called for. He said, he could not but feel for the constitution; and, feeling as he did, he sincerely lent every feeble support in his power to a law, which had for its object, not tyranny, but protection. It was salutary, though apparently severe; it was withholding, for a short time, the liberty of the country, to preserve it for ever. He would not quarrel with the right honourable gentleman (Mr. Fox) for words which in themselves were innocent, but he would contend on the meaning and substance, and designation of those expressions which were adopted by those Societies, and applied in the manner in which they had been applied in the National Convention of France. He said, he did not like those technical terms, butchery, massacre, murder, and devastation, which, by too long use, had been familiarized to the ear. Neither did he like to see the poorer orders of the people drawn from their trades and employments, for the purpose of forming Conventions, and, under the pretext of reform, to be led on to the destruction of the State. Parliamentary reform was the pretext for all the sedition that has been sown for many years in this country.<sup>2</sup> But the

<sup>1</sup> Sheridan had complained of the 'calumnies that were daily circulated against him' in the newspapers, particularly in those that supported the government. He said that he would not himself bring prosecutions because of his concern for the freedom of the press, but he thought that the Attorney General ought to prosecute to protect individual M.P.s.

<sup>2</sup> Both Fox and Sheridan had argued that the only charge that could be proved against the societies was that they advocated parliamentary reform.

real object that is in view, when the actions of those men are narrowly inspected, is nothing more nor less than the usurpation, and in the end the plunder, of the State. This is parliamentary reform! and for this purpose, whole classes of the working people of the country are to be Jacobinized.<sup>1</sup>

He then proceeded to controvert the arguments of Mr. Fox, respecting the inference he drew from the Convention of the Roman Catholics in Ireland.<sup>2</sup> Whatever might have been the right honourable gentleman's motive in applying those observations, he was not such a fool as not to know they were irrelevant—for Mr. Fox undoubtedly was nothing less than a fool—except when he chose to mask himself like the elder Brutus,<sup>3</sup> and assume the disguise of ideotcy, the better to assert the liberties of his country. The Roman Catholics, after having respectfully petitioned the Legislature,<sup>4</sup> and experienced a treatment unmeritedly scornful, formed a "Meeting of Delegates," to which they did not give the name of a Convention. Their object, moreover, was a special and avowed one; whereas the Convention which this bill referred to, meant to erect itself into a paramount power over the constituted authorities, the inanity and inutility of which they made no scruple of declaring. It would also appear, that their projects were now in a state of maturity, and that they were preparing to furnish themselves with arms which may enable them to follow the example of France. In proof of these intentions, he read some extracts from a book, published some time since by the Revolution Society.<sup>5</sup> Mr. Burke commented on the papers which the Secret Committee had selected for inspection, developing the whole system of

<sup>1</sup> Burke is answering Fox's argument that the people engaged in holding the London Convention were not 'of that weight or consideration' to aspire to take over the government. According to the report in the *General Evening Post*, 15–17 May 1794, Burke had said: 'The greatest institutions in the world, the most flourishing kingdoms, and the most splendid wealth have been destroyed by low, obscure persons; and therefore the danger to be apprehended in the present situation was great, because likely to come from men of that description; and there were persons of rank and fortune who would soon be found to head them . . . Many persons had conspired; and the conspiracy had just ripened, and been gone on with on the French model.'

<sup>2</sup> Fox had argued that the Irish Catholics had won reforms following a petition drawn up by a general meeting in Dublin in December 1792. 'It was by a Convention that they succeeded in their object.' Although, as Burke pointed out, the term 'Convention' was not used in the petition, it was widely applied to the meeting. Burke rejected analogies between Irish Catholics, acting in a constitutional manner for the restoration of rights of which they had been unjustly deprived, and the revolutionary Convention in France or the, in his view, would-be revolutionary conventions in Scotland and England.

<sup>3</sup> Lucius Junius Brutus, legendary founder of the Roman Republic in the sixth century BC, assumed idiocy to carry out his plot to overthrow the Tarquins, the Roman kings.

<sup>4</sup> The Irish Parliament.

<sup>5</sup> According to the *Morning Post*, 17 May 1794, Burke quoted correspondence 'which passed in the year 1791'. This suggests that he was yet again citing what he had long regarded as a prime anthology of sedition, *Correspondence of the Revolution Society*, see above, p. 495, n. 4.



sedition and of treason, which was regulated by the most unremitting attention, and proved that those societies were so formed, as to spread far and wide into every corner of the kingdom, and acquire by the correspondence it had established in all parts of Great Britain, a majority of the people, who, by becoming the admirers of the French revolution, always held up to them as a Government superior to their own, would ultimately be led to frame one of their own upon its model; and this could not be done without the destruction of the constitution of Great Britain. He acknowledged, that Ministers must always owe to the people a qualified responsibility for all their public actions; and if they abused the power in confidence reposed in them, it would be a proper subject for future examination. But in the measure now proposed, supposing the extreme case of the power being abused, he contended that it could not have any thing like the bad consequences that would result from suffering this Convention to go on undisturbed in their proceedings. The Habeas Corpus was unquestionably one of our most invaluable securities; but, in times of great emergency, even that must be given up temporally for the whole. At the time of the rebellion of 1715 and 1745, many great houses were divided between the claims of the Stuarts and those of the House of Hanover. Happily, by the suspension of the Habeas Corpus act, the heads of several noble families, now the ornaments of their country, were safely locked up in the Tower, which, if in condition to take any part in the contest, their fortunes would have been confiscated, the persons themselves brought to the scaffold, and the families extinct. It may possibly happen, that the same salutary effects may arise from the adoption at present of similar precautions. He concluded with giving his hearty assent to the motion.

Leave to introduce the bill was granted by 201 votes to 39. It was then given its first and second reading and committed on the same day. Repeated opposition motions for the process to be delayed were defeated. On the following day, 17 May, after a long debate in which Burke is not recorded as having spoken, the bill passed its third reading by 183 votes to 33.

## Speech on Motion of Thanks to Lord Hood

### 20 June 1794

Source: *Parl. Reg.*, xxxviii. 442.

The version in *Parl. Reg.* appears to be based on the report in *Morning Post*, 21 June 1794, with minor amendments. Burke's contribution is not mentioned in the account of the debate in *Parl. Hist.*, xxxi. 954–8.

On 28 May 1794 Burke began his speech in reply for the prosecution in the trial of Warren Hastings. This would be the final act in the proceedings before the House of Lords gave judgement. It was understood that the ending of the speech, which was to occupy nine sessions of the trial, stretching out until 16 June, would be the point for Burke's long promised retirement from Parliament. Before he finally resigned his seat there was, however, a ceremony on 20 June in which the House, not without opposition from Hastings's supporters, voted its thanks to Burke and his fellow managers of the prosecution. In a brief speech, Burke expressed the managers' gratitude for the honour done them.<sup>1</sup>

Burke then remained in the House for a further debate on a motion of thanks to Admiral Lord Hood,<sup>2</sup> Commander-in-chief of the British naval forces in the Mediterranean, for his success in capturing Bastia, the principal town in Corsica, a victory which brought the island under British control. The honour intended for Hood was contentious for a number of reasons. In the operations on Corsica he had overruled his army colleagues, arousing much resentment among them. His record at Toulon, where he had commanded the port which had surrendered to the British, was equivocal and to Sheridan, who with Fox opposed the thanks, 'disgraceful' for his alleged failure to protect many of those who had sided with the British when Toulon was abandoned. Finally, in the view of the opposition, 'The Noble Lord', as Sheridan put it, 'was not only an Admiral, he was a politician'. He had been the Pitt government's candidate in opposing Fox at Westminster in the bitterly contested election of 1784. After Sheridan had moved an amendment proposing that other officers should be thanked as well, Burke made his last recorded intervention in the Commons in favour of Hood.

Mr. BURKE, after making a few pleasant observations on the places of nativity, both of himself and of the Honourable Member who proposed the amendment,<sup>3</sup> said his motion reminded him of

"O' Rourke's noble feast, shall ne'er be forgot  
By those who were there, and those who were not."<sup>4</sup>

What the learned serjeant had said of the Westminster Election, is foreign to the subject; and instead of "letting the cat," he seemed to let the brief out of the bag.<sup>5</sup> The allusion to the election reminded him of a fiction in law, which made "Bastia in the city of Westminster, in the parish of Covent Garden, and so forth."—Just as Gentleman found it convenient to change the *venue*.<sup>6</sup> He conceived Corsica to be a considerable acquisition, as he formerly pronounced it the citadel of France to overawe Italy;<sup>7</sup> and

<sup>1</sup> Vol. vii, p. 695.

<sup>2</sup> See above, p. 86, n. 3.

<sup>3</sup> Sheridan.

<sup>4</sup> Jonathan Swift's version of a translation of an Irish song. According to the account in the *Oracle*, 21 June 1794, Burke had pointed out that some of the officers who were to be thanked in Sheridan's motion had not actually been at the taking of Bastia.

<sup>5</sup> James Watson (1748–96), Serjeant-at-law, had said that Sheridan, 'in advertent to the Westminster election, "let the cat out of the bag"', and had added that he personally applauded Hood's 'generosity'. This had provoked Burke into saying that 'he ever fancied' that Watson had 'been his Lordship's *generous* Counsel' in the legal disputes involved in the 1784 Westminster election (*Morning Post*, 21 June 1794).

<sup>6</sup> The proper or most convenient location for the trial of a case.

<sup>7</sup> Burke may be referring to a speech about the French conquest of Corsica that he had made on 8 November 1768, see vol. ii, pp. 98–9.

20 June 1794

*Thanks to Hood*

he insisted that Lord Hood, by his eminent services, had saved Italy; and lamented that the prowess displayed at Bastia had been debased by a reference to the election manœuvres of Covent Garden.

The opposition amendments were rejected and thanks to Hood were carried unanimously, as convention required. On the following day, Burke gave up his seat in the Commons in the traditional manner by applying for the Stewardship of the Chiltern Hundreds, an office of profit that disqualified him from being an M.P.

## APPENDIX A

### List of Burke's Speeches in the House of Commons, 1780-94

This appendix is intended to provide a list of the occasions when Burke is known to have spoken in the House of Commons from the opening of a newly elected Parliament in 1780 to his retirement from the House in 1794. It is not a comprehensive list of his writings and speeches for the period. Published works, such as the *Reflections on the Revolution in France* and the *Appeal from the New to the Old Whigs*, which did not originate in a parliamentary proceeding, are not included, nor are speeches delivered outside the House, such as those at the Buckinghamshire county meeting or at the Shakespeare Tavern in Westminster, the texts for both of which are included in this volume. Also excluded are the very numerous speeches and interventions made by Burke in the House of Lords in the course of the trial of Warren Hastings. These are fully listed in volumes v, vi, and vii.

The following points should be noted:

(i) The chronological sequence is broken thus ——— to indicate divisions into session as defined by the prorogation and dissolution of Parliament.

(ii) The subject of the debate is described briefly without procedural detail; for instance, the various stages which marked the passage of a bill through the House are not indicated.

(iii) A figure in parenthesis, e.g. (2), indicates more than one intervention by Burke in a particular debate.

(iv) Where the text of speeches or writings is given in this volume, this is shown by a cross-reference, thus: *see above*, pp. \*\*.

(v) The sources indicated have been selected with the purpose of directing the reader to reports of what Burke said which are in the editor's judgement both authoritative and accessible. In nearly all cases, the original reports are those in newspapers. Sometimes those remain the only version or have been judged to be the best one. Newspaper reports for many debates were subsequently included in the two major collections of parliamentary reports: the contemporary *Parl. Reg.* and the later *Parl. Hist.* For most readers, these are likely to be more accessible than newspapers and so they have been given wherever possible. *Parl. Reg.* is generally preferred, but in cases where the account in *Parl. Hist.* is judged to be superior, that is given.



## Appendix A

(vi) Where it seems likely that a particular resolution or motion was drafted by Burke, a reference is given to the *Commons Journals*. Where a bill known to have been drafted by Burke has survived in the *Commons Sessional Papers*, references are given to that source.

(vii) On occasions when Burke is known to have spoken, but no record survives of what he said, this indicated by 'mention only'.

(viii) The abbreviations employed are those listed above, pp. xv–xvi.

1781	
24 January	Relief for Barbados and Jamaica <i>Parl. Reg.</i> , i. 260–1
25 January	Dutch War (2) <i>see above</i> , pp. 41–5
31 January	Sheriffs of Coventry <i>Morning Post</i> , 1 February 1781
1 February	Palliser <i>Parl. Reg.</i> , i. 422–30
6 February	Economical Reform Bill <i>Gazetteer</i> , 8 February 1781
12 February	Select Committee on Bengal Petition <i>Parl. Reg.</i> , i. 458
14 February	Abingdon Election Petition <i>London Courant</i> , 15 February 1781
15 February	Economical Reform Bill <i>see above</i> , pp. 46–65
19 February	Economical Reform Bill (2) <i>Parl. Reg.</i> , i. 507–9
20 February	Mutiny Bill Vol. ix, p. 563
23 February	Mutiny Bill <i>Morning Herald</i> , 24 February 1781
26 February	Economical Reform Bill (2) <i>Morning Chronicle</i> , 27 February 1781; <i>Aurora</i> , 1 March 1781; <i>Parl. Reg.</i> , ii. 48
8 March	Ways and Means (2) <i>Parl. Reg.</i> , ii. 208–14
14 March	Ways and Means <i>Morning Chronicle</i> , 15 March 1781
	Select Committee on Bengal Petition (2) <i>Gazetteer</i> , 15 March 1781
16 March	Honiton Election Petition <i>Public Advertiser</i> , 17 March 1781
19 March	Berwickshire Election Petition <i>London Courant</i> , 20 March 1781
22 March	Dockyard Accounts (3) <i>Parl. Reg.</i> , ii. 312–13

## Appendix A

- 4 April Portuguese Trade  
*St James's Chronicle*, 3–5 April 1781
- 9 April State of East India Company  
Vol. v, pp. 132–4
- 11 April Burke's Motion for Indian Papers  
*Gazetteer*, 12 April 1781; *Commons Journals*, xxxviii. 412
- 25 April Preston Bissett Enclosure Bill  
*Commons Journals*, xxxviii. 219
- 27 April Committee of Whole House on East India Company  
*Morning Chronicle*, 28 May 1781; *Parl. Reg.*, iii. 176–7
- 30 April Secret Committee on East India Company  
Vol. v, pp. 134–9
- 3 May St Eustatius  
*Parl. Reg.*, iii. 207
- Honiton Election Petition  
*Public Advertiser*, 4 May 1781 (mention only)
- 7 May Army Extraordinaries (2)  
*Morning Chronicle*, 8 May 1781
- 9 May Ordnance Extraordinaries  
*Public Advertiser*, 10 May 1781
- Committee of the Whole House on East India Company (2)  
*Parl. Reg.*, iii. 276–80; *Parl. Hist.*, xxii. 200–1, 203–4
- 10 May Commission on Public Accounts  
*Parl. Reg.*, iii. 289–92
- 14 May St Eustatius (2)  
*see above*, pp. 65–94
- 21 May Ordnance Extraordinaries (2)  
*Parl. Reg.*, iii. 364–7; *Morning Chronicle*, 23 May 1781
- 23 May Committee of Whole House on East India Company  
*Parl. Reg.*, iii. 387–9; MS. notes at Sheffield, Bk. 8. 64–6
- 30 May Peace with America  
*Parl. Reg.*, iii. 447–9
- 31 May Army Extraordinaries  
*Parl. Reg.*, iii. 458–9
- Bill on Theft of Metals  
*Public Advertiser*, 1 June 1781
- 1 June Seamen Captured by Spanish (2)  
*Parl. Reg.*, iii. 478–9
- 8 June East India Regulating Bill  
*Parl. Reg.*, iii. 492
- 11 June Public Accounts  
*London Courant*, 12 June 1781
- 13 June Reward for Henry Philips  
*Morning Chronicle*, 14 June 1781
- 15 June Bill to Amend Marriage Act  
*see above*, pp. 94–8

## Appendix A

- 19 June Bengal Judicature Bill  
*Parl. Reg.*, iii. 638 ; MS. notes and drafts concerning bill at Sheffield, Bk. 9. 4, 62; at Northampton, A. xiv. 5, 66, A. xxviii. 6. bill in *Commons Sessional Papers*, xxxiii. 263-82
- 20 June Bill to Enforce Land Tax  
*London Chronicle*, 19-21 June 1781 (mention only)  
 American Prisoners' Petition  
*Morning Herald*, 21 June 1781
- 21 June Extraordinary Services  
*Lloyd's Evening Post*, 20-2 June 1781 (mention only)
- 22 June Bengal Judicature Bill  
*Parl. Hist.*, xxii 550; *Morning Herald*, 23 June 1781
- 26 June Bill for Enforcement of Taxes  
*Morning Chronicle*, 27 June 1781
- 28 June Bengal Judicature Bill  
*Morning Chronicle*, 29 June 1781 (mention only)
- 29 June American Prisoners (2)  
*Morning Chronicle*, 30 June 1781
- 16 July Bengal Judicature Bill  
 Vol. v, pp. 143-4
- 
- 27 November Address  
*Parl. Reg.*, v. 35-41; drafts of speech for opening of session are in MS. at Northampton, A xxvii. 64 and MS. at Sheffield, Bk. 6. 168
- 28 November Address  
*see above*, pp. 99-103  
 Laurens  
*Morning Chronicle*, 29 November 1781
- 30 November St Eustatius (2)  
*Morning Chronicle*, 1 December 1781  
 Supply (mention only)  
*Public Advertiser*, 1 December 1781
- 3 December Laurens  
*Morning Chronicle*, 4 December 1781
- 4 December St Eustatius (4)  
*see above*, pp. 103-16
- 12 December Lowther's Motion on War  
*Parl. Reg.*, v. 144-5
- 17 December Henry Laurens (2)  
*see above*, pp. 116-28
- 20 December Inquiry into Navy  
*Parl. Reg.*, v. 221  
 Laurens's Petition (5)  
*Parl. Reg.*, v. 205, 224, 245-6; *Morning Post*, 21 December 1781

# Appendix A

- 1782
- 28 January Inquiry into Navy (2)  
*Public Advertiser*, 29 January 1782  
 Ordnance Estimates  
*Parl. Reg.*, v. 278-9
- 1 February Ordnance Estimates (9)  
*Parl. Reg.*, v. 290-1, 295, 296, 298; *Morning Chronicle*, 2 February 1782
- 4 February Hoheb's Petition (3)  
*Gazetteer*, 5 February 1782; *Commons Journals*, xxxviii. 672-3  
*First Report of Select Committee on Bengal*, 'Observations'  
 Vol. v, pp. 144-89
- 19 February Mutiny Bill (4)  
*Parl. Reg.*, vi. 237, 237-8, 246
- 22 February Resolution to end Land War in America  
*Parl. Reg.* vi. 267-73; MSS. at Sheffield, Bk. 6. 13, 16, 157 may be related
- 25 February Supply  
*Parl. Reg.*, vi. 306-7
- 26 February Bill for Exchange of Prisoners  
*Gazetteer*, 27 February 1782
- 4 March Bill for Exchange of Prisoners  
*St James's Chronicle*, 2-5 March 1782; copies of bill, MS. at Sheffield, Bk. 6. 103 a and b  
 Resolution to end Land War in America  
*London Courant*, 6 March 1782
- 6 March New Taxes  
*Parl. Reg.*, vi. 370-2; *Morning Chronicle*, 7 March 1782
- 8 March Motion of Censure (2)  
*Parl. Reg.*, vi. 392-6
- 14 March Importation of Foreign Books  
*Morning Post*, 15 March 1782
- [ante 20 March] Hints of a Treaty  
*see above*, pp. 128-31
- 20 March Fall of North's Ministry (2)  
*see above*, pp. 131-6
- 8 April Irish Crisis  
 Vol. ix, p. 580
- 9 April Reports of Secret Committee on India  
*Parl. Reg.*, vii. 38-9
- 10 April Reports of Select Committee on Bengal  
*Parl. Reg.*, vii. 40; *Morning Chronicle*, 11 April 1782
- 12 April Contractors Bill  
*Morning Chronicle*, 13 April 1782; MSS. at Sheffield, Bk. 27. 216-18 seem to be material relating to this bill
- [ante 15 April] Memorial on Economical Reform  
*see above*, pp. 136-40



## Appendix A

- 15 April King's Message on Economical Reform  
*see above*, p. 141  
 Address of Thanks for King's Message  
*Parl. Reg.* vii. 43–5  
 Resolutions of Secret Committee on India  
 Vol. v, pp. 190–1
- 17 April Contractors Bill (2)  
*Morning Chronicle*, 18 April 1782  
 Reports of Secret Committee on India (2)  
*Parl. Reg.*, vii. 52–3
- 18 April Contractors Bill (2)  
*Public Advertiser*, 19 April 1782  
 Reports of Select Committee on Bengal  
*Gazetteer*, 19 April 1782; *Parl. Hist.*, xxii. 1306
- 22 April Reports of Select Committee on Bengal  
*Morning Chronicle*, 23 April 1782 (additional material in *London Courant*, 23 April 1782); *Parl. Reg.*, vii. 68, 70
- 23 April Sullivan's Petition  
*Morning Chronicle*, 24 April 1782
- 24 April Reports of Secret Committee on India (3)  
*Morning Chronicle*, 25 April 1782; *Parl. Reg.*, vii. 74, 76, 77 (mentions only)
- 29 April Reports of Secret Committee on India  
*London Courant*, 30 April 1782; *Parl. Reg.*, vii. 97–8
- 30 April Robinson's Pension  
*Gazetteer*, 1 May 1782
- 1 May Reports of Select Committee on Bengal (3)  
*Morning Chronicle*, 2 May 1782
- 2 May Import of Sugar  
*Parl. Reg.*, vii. 106; *Morning Chronicle*, 3 May 1782
- 6 May Burke's Resolution for Reform of Royal Household  
*Morning Chronicle*, 7 May 1782 (mention only); *Commons Journals*, xxxviii. 983
- 14 May St Eustatius  
*Morning Chronicle*, 15 May 1782
- 17 May Affairs of Ireland  
 Vol. ix, pp. 581–2  
 Shorter Parliaments  
*Parl. Reg.*, vii. 183
- 28 May Reports of Secret Committee on India  
*Parl. Reg.*, vii. 199–200
- 30 May Recall of Rodney  
*Parl. Reg.*, vii. 209–10
- 31 May Writ for Westminster  
*Parker's General Advertiser*, 1 June 1782 (mention only)

## Appendix A

7 June	Naval Stores <i>Public Advertiser</i> , 8 June 1782
10 June	Vagrancy Bill <i>Morning Chronicle</i> , 11 June 1782
13 June	Civil Establishment Bill (3) <i>Morning Chronicle</i> , 14 June 1783; <i>Parl. Reg.</i> , vii. 229; bill in <i>Commons Sessional Papers</i> , xxxiv. 475-92
14 June	Civil Establishment Bill (4) <i>see above</i> , pp. 142-9
18 June	Commissioners of Accounts (2) <i>Morning Chronicle</i> , 21 June 1782
20 June	Civil Establishment Bill (2) <i>Parl. Reg.</i> , vii. 252-3
24 June	Pay Office Bill <i>Parker's General Advertiser</i> , 25 June 1782 Civil Establishment Bill <i>Parker's General Advertiser</i> , 25 June 1782 Reports of Select Committee on Bengal <i>Parl. Reg.</i> , vii. 263
26 June	Pay Office Bill <i>Parl. Reg.</i> , vii. 272
27 June	Civil Establishment Bill <i>Parker's General Advertiser</i> , 28 June 1782
28 June	Pay Office Bill (2) <i>Gazetteer</i> , 29 June 1782
9 July	Change of Ministers (2) <i>see above</i> , pp. 150-7
11 July	Recall of Impey <i>Parl. Reg.</i> , vii. 321 Barré's Pension <i>Parl. Reg.</i> , vii. 321-2
<hr/>	
5 December	Address <i>Parl. Reg.</i> , ix. 39-42
6 December	Address <i>Parl. Reg.</i> , ix. 54-9
10 December	Civil Establishment Bills <i>Parl. Reg.</i> , ix. 70, 70-1
11 December	Townshend's Letter <i>Parl. Reg.</i> , ix. 78-80
12 December	Thanks to Eliott <i>London Courant</i> , 13, 16 December 1782
16 December	Hastings's Recall Vol. v, pp. 192-4
18 December	Provisional Treaty with America (2) <i>London Courant</i> , 19, 23 December 1782

## Appendix A

- 19 December Provisional Treaty with America  
*Morning Herald*, 20 December 1782 (mention only)  
 Burke's Motion for Civil Establishment Bills  
*Morning Chronicle*, 20 December 1782 (mention only); *Commons Journals*, xxxix. 32  
 Pains and Penalties against Rumbold and Perring  
*Morning Chronicle*, 20 December 1782
- 20 December Irish Affairs  
 Vol. ix, p. 583  
 Reappointment of Select Committee on Bengal  
*Morning Chronicle*, 21 December 1782
- 1783
- 23 January Launceston Election Petition  
*Morning Chronicle*, 24 January 1783
- 24 January Call of the House  
*Parl. Reg.*, ix. 163-4
- 28 January Privilege  
*London Courant*, 29 January 1783  
 American Trade (2)  
*Public Advertiser*, 29 January 1783; *London Courant*, 29 January 1783
- 29 January Portsmouth Mutiny (2)  
*Morning Chronicle*, 30 January 1783  
 Repeal of Prohibitory Act (2)  
*Morning Chronicle*, 30 January 1783
- 31 January Portsmouth Mutiny  
*Public Advertiser*, 1 February 1783
- 3 February Amendment of Civil Establishment Bills (2)  
*Morning Herald*, 4 February 1783  
 Repeal of Prohibitory Act  
*Morning Chronicle*, 4 February 1783
- 5 February Army Extraordinaries  
*Parl. Reg.*, ix. 200
- 7 February Pay Office Bill (3)  
*Morning Herald*, 8 February 1783; *Parl. Reg.*, ix. 201-2
- 12 February Customs (2)  
*Morning Chronicle*, 14 February 1783
- 13 February Pay Office Bill  
*Morning Herald*, 14 February 1783 (mention only); bill in *Commons Sessional Papers*, xxxv. 19-32
- 17 February Preliminary Articles of Peace  
*see above*, pp. 157-62
- 19 February Irish Renunciation Bill  
 Vol. ix, pp. 583-4

*Appendix A*

- Parliamentary Reform  
*Public Advertiser*, 20 February 1783; *Parl. Reg.*, ix. 296
- 24 February Yorkshire Petition  
*Morning Chronicle*, 25 February 1783; *London Courant*, 25 February 1783
- 28 February Pay Office Bill  
*Parl. Reg.*, ix. 384–5  
Customs and Public Accounts (3)  
*Parl. Reg.*, ix. 385, 386
- 5 March Pay Office Bill (5)  
*Morning Chronicle*, 6 March 1783  
American Trade Bill  
*Morning Chronicle*, 6 March 1783
- 6 March Pensions  
*Gazetteer*, 7 March 1783 (mention only); three resolutions in Burke's hand concerning pensions are in MS. at Northampton, A. xxvii. 6
- 7 March American Trade Bill  
*see above*, pp. 162–7
- 11 March Ordnance Estimates  
*Parl. Reg.*, ix. 473–4  
American Trade Bill  
*Parker's General Advertiser*, 12 March 1783 (mention only)
- 12 March Pay Office Bill  
*Parl. Reg.*, ix. 486  
Report on East India Company Petition  
*Parl. Reg.*, ix. 485–6
- 13 March Provincial Corps  
*Parl. Reg.*, ix. 499  
American Trade Bill  
*Morning Chronicle*, 14 March 1783
- 14 March Customs Officers' Petition (2)  
*London Courant*, 15 March 1783
- 17 March American Trade Bill  
*Morning Chronicle*, 18 March 1783 (mention only)
- 20 March American Trade Bill  
*Parl. Reg.*, ix. 508
- 21 March Pay Office Bill (2)  
*Morning Chronicle*, 22 March 1783  
Customs Officers' Petition  
*Morning Chronicle*, 22 March 1783
- 27 March Williams's Divorce  
*Parl. Reg.*, ix. 544–6
- 31 March Change of Administration  
*Public Advertiser*, 1 April 1783; *Parl. Reg.*, ix. 580; note on Coalition, MS. at Sheffield, Bk. 25. 88



## Appendix A

- Army  
*Whitehall Evening Post*, 29 March–1 April 1783  
 Reports of Select Committee on Bengal  
*Morning Chronicle*, 1 April 1783 (mention only)
- 1 April Reports of Select Committee on Bengal (4)  
*Parl. Reg.*, ix. 584, 584–5, 587, 591; *Morning Chronicle*, 2 April 1783
- 2 April Pains and Penalties against Rumbold and Perring  
*Morning Chronicle*, 3 April 1783; MS. at Northampton, A. xxxiv. 9 appears to be draft for speech in this session
- 3 April Pains and Penalties against Rumbold and Perring  
*Parl. Reg.*, ix. 598
- 14 April Dundas's India Bill  
*Parl. Reg.*, ix. 613
- 15 April Pay Office Bill  
*Parker's General Advertiser*, 16 April 1783 (mention only)  
 American Trade Bill  
*Morning Chronicle*, 16 April 1783
- 28 April East India Company Indemnity and Dividend Bill (3)  
*Morning Chronicle*, 29 April 1783; *Parl. Reg.*, ix. 667–8, 610–11
- 30 April Vagrancy Bill  
*Morning Herald*, 1 May 1783; *Parker's General Advertiser*, 1 May 1783
- 2 May Powell and Bembridge (3)  
*Public Advertiser*, 3 May 1783; *Parl. Reg.*, ix. 680, 681  
 Pains and Penalties against Rumbold and Perring  
*Gazetteer*, 3 May 1783 (mention only)
- 7 May Parliamentary Reform  
*Morning Chronicle*, 9 May 1783 (mention only)
- 8 May Pay Office Bill  
*Morning Chronicle*, 9 May 1783
- 19 May Powell and Bembridge (2)  
*Morning Chronicle*, 20 May 1783
- 20 May Powell and Bembridge (3)  
*Parker's General Advertiser*, 21 May 1783
- 21 May Powell and Bembridge (4)  
*see above*, pp. 167–78
- 27 May Taxes  
*Parl. Reg.*, x. 95–6
- 28 May Reports of Select Committee on Bengal  
*Morning Chronicle*, 29 May 1783
- 2 June Bembridge (2)  
*Parl. Reg.*, x. 100, 101  
 Public Offices Bill (3)  
*Parl. Reg.*, x. 104, 105

## Appendix A

- Pains and Penalties against Rumbold and Perring  
*Parl. Reg.*, x. 108
- 3 June Pay Office Bill  
*Parl. Reg.*, x. 112-13; *Gazetteer*, 4 June 1783
- 17 June Public Office Bill  
*Morning Chronicle*, 18 June 1783
- 23 June Lord Holland's Balances  
*Parl. Reg.*, x. 201
- 25 June Prince of Wales's Establishment (2)  
*Morning Chronicle*, 26 June 1783  
*Ninth Report of Select Committee on Bengal*  
Vol. v, pp. 194-333
- 4 July Exchequer Regulation Bill  
*Parl. Reg.*, x. 281
- 16 July Burke's Motion for Papers on Select Committee on Bengal  
*Public Advertiser*, 17 July 1783; *Commons Journals*, xxxix. 706
- 
- 12 November Recall of Impey  
*Morning Herald*, 13 November 1783
- 18 November *Eleventh Report of Select Committee on Bengal*  
Vol. v, pp. 334-77
- 20 November Fox's India Bill  
*Parl. Reg.*, xii. 90-1; Bill in *Commons Sessional Papers*, xxxv. 329-39
- 25 November Fox's India Bill  
*Morning Chronicle*, 26 November 1783; *Parl. Reg.*, xii. 103-4;  
Bill for 'the better Government' of the Company's territories in  
*Commons Sessional Papers*, xxxv. 357-74
- 1 December Fox's India Bill  
Vol. v, pp. 378-451
- 3 December Fox's India Bill (2)  
*Parl. Reg.*, xii. 323, 324-5
- 19 December Burke's Motion for Papers from Select Committee on Bengal  
*Morning Herald*, 20 December 1784; *Commons Journals*, xxxix. 844
- 24 December East India Company's Bills of Exchange  
*Morning Post*, 25 December 1783
- 1784
- 16 January Yorkshire Petition  
*Parl. Reg.*, xii. 571-2
- Pitt's First India Bill  
Vol. v, pp. 452-4
- Committee on State of the Nation  
*Morning Chronicle*, 17 January 1784
- Powell and Bembridge (2)  
*Parl. Reg.*, xii. 582

# Appendix A

- p>20 January Burke's Motion on Directors of East India Company (2)
- 
- Morning Chronicle*
- , 21 January 1784;
- Commons Journals*
- ,
- 
- xxxix. 867
- 
- Committee on State of the Nation
- 
- Morning Chronicle*
- , 21 January 1784
p>10 February Receipt Tax
- 
- Gazetteer*
- , 11 February 1784
p>12 March Parliamentary Reform
- 
- Morning Post*
- , 13 March 1784
- 
- p>31 May Notice of Representation to His Majesty
- 
- Morning Chronicle*
- 1 June 1784; MS. at Sheffield, Bk. 25. 61
p>3 June Parliamentary Reform (3)
- 
- Parl. Reg.*
- , xv. 66–7, 68;
- Gazetteer*
- , 4 June 1784
p>8 June Notice of Representation to His Majesty
- 
- Gazetteer*
- , 9 June 1784
- 
- Westminster Scrutiny (2)
- 
- Gazetteer*
- , 10 June 1784
p>14 June Speech on Moving Representation
- 
- see above*
- , pp. 181–8
- 
- Representation to His Majesty*
- 
- see above*
- , pp. 188–215
p>16 June Parliamentary Reform
- 
- see above*
- , pp. 215–26
- 
- Peace with Mysore
- 
- Parl. Reg.*
- , xv. 178–9
p>8 July Burke's Motions on Impey and Hastings (3)
- 
- Parl. Reg.*
- , xvi. 20–2, 23;
- Commons Journals*
- , xl. 299–300
p>28 July Franking Letters (2)
- 
- Morning Chronicle*
- , 29 July 1784
- 
- Reports of Committees on India
- 
- Parl. Reg.*
- , xvi. 269–71;
- Morning Herald*
- , 29 July 1784
- 
- Pitt's Second India Bill
- 
- Vol. v, pp. 454–9
- 
- Transportation Bill
- 
- Morning Chronicle*
- , 29 July 1784;
- Morning Herald*
- , 29 July 1784
p>30 July Almas Ali Khan
- 
- Vol. v, pp. 460–78
p>19 August Civil List
- 
- Parl. Reg.*
- , xvi. 418;
- Morning Herald*
- , 20 August 1784; MS. at
- 
- Sheffield, Bk. 14. 18 seems to be notes for this debate
- 
- p>1785
p>25 January Address (2)
- 
- Parl. Reg.*
- , xvii. 13–16, 28;
- Gazetteer*
- , 26 January 1785; MS. at
- 
- Sheffield, Bk. 25. 91; vol. ix, pp. 584–5

# Appendix A

2 February	Recall of Impey <i>Parl. Reg.</i> , xvii. 46
4 February	Westminster Scrutiny <i>Parl. Reg.</i> , xvii. 60–1 Glasgow Weavers' Petition <i>Parl. Reg.</i> , xvii. 61–2 Recall of Impey <i>Gazetteer</i> , 5 February 1785
8 February	Examination of Westminster High Bailiff (4) <i>London Chronicle</i> , 8–10 February 1785
9 February	Papers on Impey (2) <i>Gazetteer</i> , 10 February 1785
14 February	Questions for Chairman of East India Company (2) <i>Morning Chronicle</i> , 15 February 1785
16 February	Bengal Establishments <i>Parl. Reg.</i> , xvii. 167–8
21 February	Irish Commercial Propositions Vol. ix, pp. 585–8
22 February	Irish Commercial Propositions <i>Morning Herald</i> , 23 February 1785; <i>Parl. Reg.</i> , xvii. 260
23 February	Ballot for East India Judicature <i>Parl. Reg.</i> , xvii. 272
24 February	Papers on Hastings (4) <i>Parl. Reg.</i> , xvii. 283–7
28 February	<i>Nabob of Arcot's Debts</i> Vol. v, pp. 458–552
7 March	Public Office Bill <i>Parl. Reg.</i> , xvii. 333
8 March	Public Office Bill (2) <i>Parl. Reg.</i> , xvii. 343–5; <i>Gazetteer</i> , 9 March 1785; notes and draft passages in MS. at Sheffield, Bk. 14. 15
16 March	Manchester Petition <i>Parl. Reg.</i> xvii. 429–30 Transportation of Convicts (3) <i>see above</i> , pp. 226–9
5 April	Manchester Petition <i>Morning Herald</i> , 6 April 1785 (mention only)
11 April	Cricklade Election (3) <i>London Chronicle</i> , 9–12 April 1785; <i>Parl. Hist.</i> , xxv. 415, 417 Transportation of Convicts (2) <i>see above</i> , pp. 229–31
18 April	Parliamentary Reform <i>see above</i> , pp. 232–5
20 April	East India Company's Accounts <i>Parl. Reg.</i> , xviii. 88–9



## Appendix A

- |             |  |
|-------------|--|
| 29 April    | State of Revenue<br><i>Morning Herald</i> , 30 April 1785  |
| 5 May       | Indian Establishments (2)<br><i>Morning Herald</i> , 6 May 1783; <i>Parl. Hist.</i> , xxv. 531-2   |
| 19 May      | Irish Commercial Propositions<br>Vol. ix, pp. 589-93   |
| 1 June      | East India Company's Accounts<br><i>Morning Post</i> , 2 June (mention only); possible MS. draft at Sheffield, Bk. 9. 69   |
| 20 June     | Burke's Notice of Motion on Hastings<br>Vol. v, p. 617   |
| 14 July     | Poll and Scrutiny Bill<br><i>Morning Herald</i> , 15 July 1785   |
| 1786        |  |
| 24 January  | Address<br>Vol. vi. p. 45  |
| 13 February | Notice of Motion on Hastings<br>Vol. vi, pp. 45-6  |
| 17 February | Papers on Hastings<br>Vol. vi, pp. 47-60   |
| 20 February | Papers on Hastings<br>Vol. vi, pp. 60-5  |
| 24 February | Papers on Hastings<br><i>Morning Herald</i> , 25 February 1786   |
| 3 March     | Papers on Hastings: Marathas (8)<br><i>Parl. Reg.</i> , xix. 286, 288, 289-90, 290-2, 297-8, 299, 300, 301   |
| 6 March     | Papers on Hastings: Delhi (2)<br><i>Parl. Reg.</i> , xix. 321, 325-6; MSS. at Northampton, A. xxvii. 7 and at Sheffield, Bk. 9. 66 appear to be material prepared for this debate  |
| 13 March    | Call of the House (2)<br><i>Parl. Reg.</i> , xix. 379  |
| 22 March    | Bill to Amend India Act<br>Vol. vi, pp. 66-73  |
| 30 March    | Bill for Disenfranchising certain Office Holders<br><i>Public Advertiser</i> , 31 March 1786   |
| 3 April     | Method of Proceeding against Hastings<br>Vol. vi, pp. 73-8   |
| 4 April     | Articles of Charge: nos. 1-9<br>No. 1 (Rohilla War), vol. vi, pp. 79-81. Nos. 2-9, <i>Commons Journals</i> , xli. 486-536; <i>Works</i> (Bohn), iv. 229-398<br>Speech on Articles of Charge<br><i>Morning Chronicle</i> , 6 April 1786 |
| 12 April    | Articles of Charge: nos. 10-16<br><i>Commons Journals</i> , xli. 568-95; <i>Works</i> (Bohn), iv. 398-488  |

## Appendix A

- Court of Conscience Bill  
*London Chronicle*, 11–13 April 1786 (mention only)
- 26 April Articles of Charge: nos. 17–19  
*Commons Journals*, xli. 612–23, 627–9; *Works* (Bohn), iv. 488–533  
 Speeches on Articles of Charge and Hastings's Petition (10)  
*Parl. Reg.*, xx. 109, 109–10, 111–13, 115, 116–17, 117–18, 118, 124–5, 128–9
- 28 April Articles of Charge: nos. 20–1  
*Commons Journals*, xli. 648–55; *Works* (Bohn), v. 2–23  
 Speech on Articles of Charge  
*Morning Chronicle*, 29 April 1786
- 1 May Hastings's Defence (2)  
*Morning Herald*, 2–4 May 1786; *London Chronicle*, 2 May 1786
- 2 May India Bill  
*Parl. Reg.*, xx. 150–1  
 Hastings's Defence and Examination of Witnesses (7)  
*London Chronicle*, 4–6 May 1786; *Commons Sessional Papers*, lviii. 3–9
- 3 May Examination of Witnesses  
*London Chronicle*, 4–6 May 1786; *Commons Sessional Papers*, lviii. 10–27
- 5 May Articles of Charge: no. 22  
*Commons Journals*, xli. 750–61; *Works* (Bohn), v. 24–62  
 Speech on Articles of Charge  
*Parl. Reg.*, xx. 169–70
- 8 May Examination of Witnesses (3)  
*Parl. Reg.*, xx. 185–6; *Commons Sessional Papers*, lviii. 28–36
- 11 May Examination of Witnesses (4)  
*Parl. Reg.*, xx. 195, 196, 197, 198; *Commons Sessional Papers*, lviii. 37–54
- 16 May Examination of Witnesses  
*Gazetteer*, 17 May 1786; *Commons Sessional Papers*, lviii. 55–69
- 18 May Procedure for Impeachment (3)  
*General Evening Post*, 18–20 May 1786
- 19 May Procedure for Impeachment (3)  
*Morning Chronicle*, 20 May 1786
- 25 May Motion for Papers (3)  
*London Chronicle*, 25–7 May 1786 (mentions only)
- 26 May Middleton's Correspondence  
*Parl. Reg.*, xx. 257
- 30 May Middleton's Correspondence (3)  
*Parl. Reg.*, xx. 264, 265, 269
- 31 May Rohilla War Charge  
*Morning Herald*, 1 June 1786
- 1 June Rohilla War Charge  
 Vol. vi, pp. 91–113

## Appendix A

- 2 June Rohilla War Charge (2)  
*Morning Chronicle*, 3, 7 June 1786
- 9 June East India Company's Petition  
*Morning Herald*, 10 June 1786
- 13 June Benares Charge (2)  
*Morning Herald*, 13 June 1786. Burke appears to have prepared a major speech on Benares for the Commons, which he never delivered; see MSS. at Northampton, A. xxii. 60, A. xxix. 17, A. xxix. 36, A. xxxvi. 13
- 16 June Procedure for Impeachment (2)  
*Morning Herald*, 17 June 1786
- 21 June Examination of Witnesses (3)  
*London Chronicle*, 20–2 June 1786; *Commons Sessional Papers*, lviii. 242–8
- 1787
- 23 January Notice of Renewal of Impeachment Proceedings  
*London Chronicle*, 23–5 January 1787 (mention only)
- 24 January Motion for Renewal of Impeachment Proceedings  
*London Chronicle*, 23–5 January 1787; *Commons Journals*, xlii. 6
- 29 January French Commercial Treaty: Trade with Portugal (2)  
*Parl. Reg.*, xxi. 27–8, 29–30; *Gazetteer*, 30 January 1787
- 1 February Examination of Witnesses (2)  
*Public Advertiser*, 2 February 1787; *Commons Sessional Papers*, lviii. 249–57
- 2 February French Commercial Treaty  
*Parl. Reg.*, xxi. 47  
Examination of Witnesses  
*Gazetteer*, 3 February 1787 (mention only); *Commons Sessional Papers*, lviii. 258–79
- 5 February French Commercial Treaty (3)  
*Parl. Reg.*, xxi. 67–8, 69–70, 71–2; *Morning Chronicle*, 6 February 1787; *World*, 6 February 1787
- 9 February Notice of Charge  
*Parl. Reg.*, xxi. 144
- 19 February Procedure for Impeaching Hastings  
Vol. vi, pp. 113–17
- 20 February East India Judicature Bill (3)  
*Parl. Reg.*, xxi. 269, 271, 272; *Public Advertiser*, 21 February 1787  
Examination of Witnesses (2)  
*Parl. Reg.*, xxi. 279–80; *Commons Sessional Papers*, lviii. 280–9
- 21 February French Commercial Treaty (2)  
*see above*, pp. 235–41
- 23 February Ecclesiastical Courts Bill  
*World*, 24 February 1787

## Appendix A

- 26 February Consolidation of Customs  
*Morning Chronicle*, 27 February 1787; *World*, 27 February 1787
- Notice of Charge and Resolution for Attendance of Witnesses (4)  
*Morning Chronicle*, 27 February 1787; *Commons Journals*, xlii. 408
- 27 February East India Judicature Bill (2)  
*Parl. Reg.*, xxi. 339, 340
- Examination of Witnesses  
*Public Advertiser*, 28 February 1787; *Commons Sessional Papers*, lviii. 316
- 2 March Farrukhabad Charge  
*Parl. Reg.*, xxi. 360–1; MS. at Sheffield, Bk. 9. 21 appears to be notes for this debate
- Lacam's Petition  
*World*, 3 March 1787
- 6 March Scottish Weavers' Petition  
*World*, 7 March 1787
- 7 March Motions for Papers  
*Parl. Reg.*, xxi. 387–8; *Commons Journals*, xlii. 436–7
- 12 March Motion for Papers  
*Parl. Reg.*, xxi. 412
- 13 March Indian Correspondence  
*Parl. Reg.*, xxi. 422–3; *Public Advertiser*, 14 March 1787
- 15 March Contracts Charge  
*Parl. Reg.*, xxi. 748–52; MS. at Northampton, A. xxii. 3 appears to be material for this charge
- Notice of Future Charge  
*Morning Chronicle*, 16 March 1787
- 19 March East India Judicature Bill (5)  
*Parl. Reg.*, xxi. 467–70, 471, 472; *London Chronicle*, 20 March 1787
- 21 March Sir John Skynner's Pension  
*Morning Chronicle*, 22 March 1787
- 22 March Faizullah Khan Charge (4)  
*Parl. Reg.*, xxi. 484–5, 499–501; *London Chronicle*, 22–4 March 1787
- 26 March Calling of Witnesses (2)  
*Morning Chronicle*, 27 March 1787
- 27 March Motion for Delay of Impeachment Proceedings  
*Parl. Reg.*, xxi. 519–20
- 29 March Postponement of Motion  
*Whitehall Evening Post*, 29–31 March 1787
- 30 March Examination of Witnesses (6)  
*Public Advertiser*, 31 March 1787; *Commons Sessional Papers*, lviii. 343–75



## Appendix A

- 2 April Procedure for Vote of Impeachment  
Vol. vi, pp. 117-20
- 3 April Against Set-off in Hastings's Favour  
Vol. vi, pp. 120-2
- 17 April Drafting of Articles (3)  
*Whitehall Evening Post*, 17-19 April 1787
- 19 April Revenue Charge (2)  
*Parl. Reg.*, xxii. 103-4
- 23 April East India Company Accounts  
*World*, 24 April 1787
- 24 April Presentation of Articles  
*Morning Chronicle*, 25 April 1787
- Charges against Impey  
*Parl. Reg.*, xxii. 170
- 25 April Presentation of Articles (2)  
*Parl. Reg.*, xxii. 185-6
- 30 April Postponement of Charge  
*World*, 1 May 1787
- 2 May Postponement of Charge  
*Parl. Reg.*, xxii. 235-6; *Commons Journals*, xlii. 713
- 7 May India Budget  
Vol. vi, pp. 123-5  
West Indian Free Ports  
*Parl. Reg.*, xxii. 259-60
- 9 May Report of Articles  
*London Chronicle*, 10 May (mention only), *Commons Journals*, xlii. 749-50
- 10 May Vote of Impeachment (5)  
*Parl. Reg.*, xxii. 325, 328-9; *London Chronicle*, 12 May 1789;  
*Commons Journals*, xlii. 757-8; *Lords Journals*, xxxvii. 674
- 11 May Report of Impeachment  
*Parl. Reg.*, xxii. 329; *Commons Journals*, xlii. 761
- 14 May Misdemeanors in Oude Charge (2)  
*Parl. Reg.*, xxii. 351, 346-7; MS. at Sheffield, Bk. 9. 137 appears to be a version of this speech  
Articles of Impeachment: nos. 1-6  
Vol. vi, pp. 133-88
- 16 May Forestalling  
*see above*, pp. 241-3
- 17 May Misdemeanors in Oude Charge  
*London Chronicle*, 17-19 May 1787 (mention only)
- 21 May Hastings taken into Custody (3)  
*Parl. Reg.*, xxii. 385, 386-7; *World*, 22 May 1787; *Commons Journals*, xlii. 794-5
- 23 May Misdemeanors in Oude Article (2)  
*Parl. Reg.*, xxii. 389 (mentions only)

## Appendix A

24 May	Report of Articles <i>Parl. Reg.</i> , xxii. 395 (mention only)
28 May	Report of Articles <i>Morning Herald</i> , 29 May 1787 (mention only) Articles of Impeachment: nos. 8–20 Vol. vi, pp. 201–58
30 May	Report of Articles <i>Morning Chronicle</i> , 31 May 1787 (mention only)
<hr/>	
5 December	Exclusion of Francis from Committee of Managers Vol. vi, pp. 258–61 Hessian Subsidy <i>Parl. Reg.</i> , xxiii. 53–7
7 December	Replication to Hastings's Answer <i>Parl. Reg.</i> , xxiii. 59–60; <i>Commons Journals</i> , xliii. 88
10 December	Powers of Committee <i>World</i> , 11 December 1787; <i>Commons Journals</i> , xliii. 106
11 December	Committee of Managers: Exclusion of Francis <i>Parl. Reg.</i> , xxiii. 106–7; <i>Commons Journals</i> , xliii. 106
1788	
31 January	Appointment of Manager <i>Parl. Reg.</i> , xxiii. 129 (mention only); <i>Commons Journals</i> , xliii. 157
4 February	Arrangements for Trial <i>World</i> , 5 February 1788 (mention only); <i>Commons Journals</i> , xliii. 167
	Impey's Defence (4) <i>Parl. Reg.</i> , xxiii. 134, 135
7 February	Charges against Impey (6) <i>Parl. Reg.</i> , xxiii. 151, 153, 154, 156, 158; <i>Public Advertiser</i> , 8 February 17
8 February	Libel against Impey Vol. vi, pp. 261–4
20 February	Impey: Examination of Witnesses (2) <i>Public Advertiser</i> , 21 February 1788; <i>Commons Sessional Papers</i> , lxiii. 75–85
22 February	Complaints about Opening Speech <i>Parl. Reg.</i> , xxiii. 222–3
25 February	Impey <i>Gazetteer</i> , 26 February 1788
29 February	Impey (3) <i>Parl. Reg.</i> , xxiii. 275–6
3 March	East India Declaratory Bill <i>Parl. Reg.</i> , xxiii. 286
5 March	Impey <i>Public Advertiser</i> , 6 March 1788

## Appendix A

- 7 March East India Declaratory Bill  
Vol. vi, pp. 471-4
- 14 March East India Declaratory Bill  
*Parl. Reg.*, xxiii. 427
- 16 April Impey: Examination of Witnesses (2)  
*Parl. Reg.*, xxiii. 462; *Morning Chronicle*, 17 April 1788; *Commons Sessional Papers*, lxiii. 109-20
- 7 May Impey: Nandakumar Charge (2)  
*Parl. Reg.*, xxiii. 587-8, 588-9
- 9 May Impeachment Costs and Charges against Impey  
Vol. vi, pp. 479-83  
Abolition of the Slave Trade  
*Parl. Reg.*, xxiii. 603-5
- 16 May Quebec Petition  
*Parl. Reg.*, xxiii. 700-2
- 20 May Impeachment Costs (4)  
*Parl. Reg.*, xxiii. 713-15, 717, 718, 719; *Morning Chronicle*, 21 May 1788
- 26 May Impeachment Costs (2)  
*Gazetteer*, 27 May 1788
- 27 May Impey: Patna Charge (3)  
*Parl. Reg.*, xxiv. 20-2, 23-4, 25
- 2 June Abolition of the Slave Trade  
*Public Advertiser*, 3 June 1788
- 6 June Impeachment Costs  
*Parl. Reg.*, xxiv. 65-6  
American Loyalists  
*see above*, pp. 244-6
- 10 June Impeachment Arrangements  
*Parl. Reg.*, xxiv. 76
- 12 June Impeachment Arrangements  
*Parl. Reg.*, xxiv. 81-2
- 17 June Witnesses' Expenses (3)  
*Parl. Reg.*, xxiv. 97, 98-9
- 
- [c.4 December] Draft Address to Prince of Wales  
Aspinall, ed., *Correspondence of Prince of Wales*, i. 395
- 8 December King's Illness  
*Parl. Reg.*, xxv. 7-8
- 10 December King's Illness  
*Parl. Reg.*, xxv. 29-31
- [c.12 December] Draft declaration by Prince of Wales  
MS. at Sheffield, Bk. 15. 44 in Walker King's hand
- [ante 12 December] Draft for note from Prince of Wales to Pitt  
Aspinall, ed., *Correspondence of Prince of Wales*, i. 414-15

Appendix A

- 18 December Regency  
*Public Advertiser*, 19 December 1788
- 19 December King's Illness (2)  
*Parl. Reg.*, xxv. 122, 123
- [ante 22 December] Draft of possible pamphlet  
MSS. at Sheffield, Bk. 15. 9–21; in Richard Burke the younger's hand
- 22 December Regency (2)  
*see above*, pp. 246–57
- 29 December Draft for Lords Protest  
Burke is reported to have supplied a draft which was not used;  
Minto, ed., *Life of Elliot*, i. 251
- 1789
- [ante 2 January] Drafts for Prince of Wales to Pitt  
Aspinall, ed., *Correspondence of Prince of Wales*, i. 430–5; MSS. at Sheffield, Bk. 15. 31, 45, 48
- 6 January Regency (3)  
*Parl. Reg.*, xxv. 164–5, 166, 170–2
- 13 January Regency (3)  
*Parl. Reg.*, xxv. 180–1, 184, 185
- 19 January Regency  
*World*, 20 January 1789 (mention only)
- 26 January Regency (5)  
*Parl. Reg.*, xxv. 297, 298, 300, 302
- 27 January Regency (3)  
*Parl. Reg.*, xxv. 321–2, 323–6, 329
- [January] The Voice of Reason  
Aspinall, ed., *Correspondence of Prince of Wales*, i. 474–83
- 2 February Regency (3)  
*Parl. Reg.*, xxv. 346–7, 347–8, 358; apparent draft for this speech,  
MS. at Sheffield, Bk. 15. 23
- [c.2 February] Draft for Prince's protest against Regency Bill  
Aspinall ed., *Correspondence of Prince of Wales*, i. 462–3; MS. at Sheffield, Bk. 15. 38 and 49 may be related
- 5 February Regency Bill (2)  
*Public Advertiser*, 6 February 1789; *Parl. Reg.*, xxv. 364–5
- 6 February Regency Bill (4)  
*see above*, pp. 257–71  
Resumption of Impeachment  
*Morning Chronicle*, 7 February 1789
- [c.6 February] Draft for protest of the royal princes MS. at Sheffield, Bk. 15. 41;  
corrections in Burke's hand
- 7 February Regency Bill (7)  
*Parl. Reg.*, xxv. 399–401, 403; *Star*, 9 February 1789; *Morning Herald*, 9 February 1789



# Appendix A

9 February	Regency Bill (5) <i>Parl. Reg.</i> , xxv. 408, 418–20, 424–5; <i>Parl. Hist.</i> , xxvii. 1202, 1203–4, 1213–15 Resumption of Impeachment <i>Parl. Reg.</i> , xxv. 408
10 February	Regency Bill (3) <i>Parl. Reg.</i> , xxv. 432–3, 433, 440–1
11 February	Regency Bill (4) <i>Parl. Reg.</i> , xxv. 445, 460–2, 462–3
20 February	Adjournment <i>Morning Chronicle</i> , 21 February 1789 (mention only)
27 April	Hastings's Petition (7) Vol. vii, pp. 65–71
30 April	Hastings's Petition (2) <i>Parl. Reg.</i> , xxvi. 34–5, 35
1 May	Hastings's Petition <i>Corr.</i> , v. 465–9
12 May	Abolition of Slave Trade <i>see above</i> , pp. 271–6
21 May	Abolition of Slave Trade <i>see above</i> , pp. 277–9
28 May	Preservation of Trees <i>see above</i> , pp. 279–80
8 June	Election of Speaker <i>Oracle</i> , 9 June 1789
16 June	Libel on House of Commons Vol. vii, pp. 71–4 Hastings's Testimonials (3) <i>Parl. Reg.</i> , xxvi. 267–8, 268, 269
18 June	Libel on House of Commons (2) <i>Parl. Reg.</i> , xxvi. 173–6, 177 Hastings's Testimonials (2) <i>Parl. Reg.</i> , xxvi. 280
[June 1789]	Draft for Prince of Wales's remonstrance Two copies in MS. at Sheffield, Bk. 15. 54, 55, said to be corrected by Burke
16 July	Hastings's Costs <i>Parl. Reg.</i> , xxvi. 436
<hr/>	
1790	
25 January	Abolition of Slave Trade <i>Parl. Reg.</i> , xxvii. 12
1 February	Reappointment of Impeachment Managers <i>Public Advertiser</i> , 2 February 1790; <i>Commons Journals</i> , xlv. 33
9 February	Parliamentary Reform (2) <i>Public Advertiser</i> , 10 February 1790; <i>Parl. Reg.</i> , xxvii. 65

## Appendix A

- Speech on the Army Estimates* (3)  
*see above*, pp. 281–305
- 2 March Repeal of Test and Corporation Acts  
*see above*, pp. 306–19
- 4 March Parliamentary Reform  
*Parl. Reg.*, xxvii. 216–17
- 10 March Speaker's Salary  
*Parl. Reg.*, xxvii. 257–9
- 11 March Execution of Mustapha Khan  
*Diary*, 12 March 1790  
 Tobacco Excise  
*Diary*, 12 March 1790
- 15 March Execution of Mustapha Khan  
*Parl. Reg.*, xxvii. 300–2
- 29 March Execution of Mustapha Khan (7)  
*Parl. Reg.*, xxvii. 322, 326–9, 333, 336, 337, 337–8, 352
- 16 April Tobacco Bill  
*World*, 17 April 1790 (mention only)
- 20 April Transportation  
*World*, 21 April 1790
- 26 April Isle of Man Bill (2)  
*Parl. Reg.*, xxvii. 500–2; *Diary*, 27 April 1790
- 3 May Managers' Instructions  
*Diary*, 4 May
- 4 May Motion to summon Shore as witness  
*Diary*, 5 May 1790; *Commons Journals*, xlv. 443
- 6 May Nootka Sound  
*Parl. Reg.*, xxvii. 573–4
- 10 May Managers' Instructions  
*Diary*, 11 May 1790
- 11 May Resolutions on Future of Impeachment  
 Vol. vii, pp. 74–80
- 21 May Libel on Commons  
*Diary*, 22 May 1790
- 27 May Libel on Commons (4)  
*Parl. Reg.*, xxvii. 681–4, 692, 693–4, 700
- 28 May Committee to Inspect Lords Journals  
*World*, 29 May 1790
- 
- 30 November Continuation of Impeachment (2)  
*Parl. Hist.*, xxviii. 900–1, 901
- 9 December Continuation of Impeachment (3)  
*Parl. Reg.*, xxviii. 58–9, 61
- 17 December Continuation of Impeachment (5)  
*Parl. Reg.*, xxviii. 150, 160–5, 210, 210–11, 211; draft for this speech, MS. at Sheffield, Bk. 9. 71; Bk. 9. 72, 73 are drafts on continuation in general

## Appendix A

- 22 December Somerset House  
*Argus*, 23 December 1790; *Parl. Hist.*, xxviii. 1191-2
- 23 December Continuation of Impeachment (3)  
 Vol. vii, pp. 80-94
- 1791
- 4 February Limitation of Impeachment  
*Diary*, 5 February 1791  
 Abolition of Slave Trade  
*Parl. Reg.*, xxviii. 331-2
- 7 February Limitation of Impeachment  
*Diary*, 8 February 1791  
 Westminster Election (4)  
*Parl. Reg.*, xxviii. 334-5, 335-6, 336, 337-8
- 9 February Botany Bay  
*Public Advertiser*, 11 February 1791; *Parl. Reg.*, xxviii. 346-7
- 14 February Limitation of Impeachment  
 Vol. vii, pp. 94-107
- 17 February Renewal of Impeachment  
*Morning Chronicle*, 18 February 1791; *Commons Journals*,  
 xlv. 189-90
- 1 March Catholic Relief Bill  
*see above*, pp. 319-24
- 9 March Rotherham Road Bill  
*Diary*, 10 March 1791
- 15 March Bank Dividend Bill  
*Parl. Hist.*, xxviii. 1398-1408
- 22 March Bank Dividend Bill  
*Parl. Hist.*, xxix. 16-20
- 25 March Fowke's Petition  
*Gazetteer*, 26 March 1791
- 29 March Ochakov  
*Parl. Hist.*, xxix. 75-9; MSS. at Sheffield, Bk. 25. 41 and at  
 Northampton, A. xxvii. 36 contain material for this debate
- 4 April Fowke's Petition  
*Parl. Reg.*, xxix. 56-7, 57, 58-9, 59
- 19 April Abolition of Slave Trade  
*Parl. Reg.*, xxix. 313
- 21 April Quebec Bill (2)  
*Parl. Hist.*, xxix. 362-4; *Diary*, 22 April 1791
- 6 May Quebec Bill (11)  
*see above*, pp. 324-50
- 11 May Quebec Bill (5)  
*see above*, pp. 351-62
- 12 May Imprisonment for Debt  
*see above*, pp. 362-5

## Appendix A

- 17 May Renewal of Hastings Trial  
*Parl. Reg.*, xxix. 426
- 27 May Prolongation of Session (4)  
*Parl. Reg.*, xxix. 566-7, 566, 569, 569-70
- 7 June Fowke Petition (2)  
*Parl. Reg.*, xxix. 649-50, 651-2; Report in *Commons Journals*,  
xlvi. 691-6
- 
- 1792
- 3 February Reappointment of Managers for Impeachment  
*Oracle*, 4 February 1792
- 6 February Bill to Facilitate Resumption of Impeachment  
*Parl. Reg.*, xxxi. 56-7
- 7 February Amendment of Bill for Trials of Controverted Elections  
*General Evening Post*, 7-9 February 1792 (mention only)
- 29 February Hastings's Costs  
*Diary*, 1 March 1792
- 30 April Parliamentary Reform (3)  
*see above*, pp. 478-87
- 11 May Unitarian Petition (3)  
*see above*, pp. 487-515
- 25 May Proclamation against Seditious Writings  
No record of Burke having spoken, but MS. at Sheffield, Bk. 10. 10  
seems to be draft for speech on this occasion
- 
- 13 December Address  
*Parl. Reg.*, xxxiv. 65-9. MS. at Sheffield, Bk. 10. 71 is material  
relating to this speech
- 14 December Address  
*see above*, pp. 516-23
- 15 December Fox's Motion to Treat with France  
*see above*, pp. 524-32
- 17 December Supply  
*Parl. Reg.*, xxxiv. 154 (mention only)
- 20 December Reappointment of Managers  
*Parl. Reg.*, xxxiv. 181-2  
Export of Naval Stores  
*Parl. Reg.*, xxxiv. 181  
Vote of Seamen (2)  
*Parl. Reg.*, xxxiv. 183-4  
Ambassador's Instructions  
*Parl. Reg.*, xxxiv. 189
- 21 December Recall of British Ambassador  
*Parl. Reg.*, xxxiv. 194-5
- 24 December Prohibition of *Assignats*  
*Parl. Reg.*, xxxiv. 195-6



## Appendix A

- Augmentation of Army (2)  
*Parl. Reg.*, xxxiv. 204–5, 206
- 27 December Ipswich Road Bill  
*Diary*, 28 December 1792 (mention only)
- 28 December Alien Bill  
*see above*, pp. 532–46
- 31 December Alien Bill  
*Parl. Reg.*, xxxiv. 234
- 1793
- 2 January Alien Bill  
*Diary*, 3 January 1793
- 12 February Treaties with Austria and Prussia  
*Parl. Reg.*, xxxiv. 443  
 State of the Impeachment (2)  
*Parl. Reg.*, xxxiv. 443  
 War with France  
*see above*, pp. 546–57
- 18 February War with France  
*see above*, pp. 557–66
- 21 February Nottingham Petition (2)  
*Parl. Reg.*, xxxiv. 548–9, 550
- 28 February Expediting Impeachment (3)  
*Sun*, 1 March 1793
- 1 March Expediting Impeachment  
*Parl. Reg.*, xxxiv. 629
- 4 March Sheridan's Motion on Seditious Practices (5)  
*see above*, pp. 566–75
- 8 March Absence from House  
*Diary*, 9 March 1793
- 14 March Stewart's Divorce  
*General Evening Post*, 14–16 March 1793
- 22 March Traitorous Correspondence Bill (2)  
*Parl. Reg.*, xxxv. 125–9; *Morning Herald*, 23 March 1793
- 26 March Traitorous Correspondence Bill (3)  
*Parl. Reg.*, xxxv. 154, 155
- 4 April Traitorous Correspondence Bill (2)  
*Sun*, 5 April 1793
- 9 April Traitorous Correspondence Bill (2)  
*see above*, pp. 575–86
- 10 April Bill to Regulate Canal Labour  
*Parl. Reg.*, xxxv. 203
- 17 April Manchester, Bury and Bolton Canal Bill  
*Star*, 18 April 1793
- 23 April Additional Manager  
*Diary*, 24 April 1793

# Appendix A

6 May	Norwich Petition (3) <i>Parl. Reg.</i> , xxxv. 373, 376
7 May	Access to House of Commons <i>Morning Post</i> , 14 May 1793
28 May	Committee on State of Impeachment Vol. vii, pp. 107–10 Words of Archbishop of York <i>Diary</i> , 29 May 1793
30 May	State of Impeachment (5) <i>Parl. Hist.</i> , xxx. 971, 972, 973, 974, 976; <i>Star</i> , 31 May 1793 Report on State of Impeachment <i>Commons Journals</i> , xlviii. 818; draft amended by Burke in Bodleian, MS. Eng. Hist., c. 17, ff. 394, 396
6 June	State of Impeachment <i>Parl. Hist.</i> , xxx. 979–80; <i>Commons Journals</i> , xlviii. 847
7 June	State of Impeachment (2) <i>Parl. Reg.</i> , xxxv. 629–30, 631; <i>Commons Journals</i> , xlviii. 863; MS. resolutions with longer version at Sheffield, Bk. 9. 119, 120
12 June	Libel on Commons <i>Parl. Hist.</i> , xxx. 988–9
17 June	Fox's Motion for Peace (2) <i>see above</i> , pp. 587–93
21 June	London Police <i>Parl. Reg.</i> , xxxv. 689
<hr/>	
1794	
21 January	Address <i>Parl. Reg.</i> , xxxvii. 182; MS. at Sheffield, Bk. 10. 83 may be a draft for this debate
27 January	Reappointment of Managers <i>Commons Journals</i> , xlix. 23
28 January	Public Expenditure (3) <i>Sun</i> , 29 January 1794
31 January	Supply: Navy (2) <i>Parl. Reg.</i> , xxxvii. 244, 245
1 February	French Officers <i>General Evening Post</i> , 1–4 February 1794
5 March	Committee on Impeachment's Length <i>Commons Journals</i> , xlix. 294
17 March	Impeachment's Length <i>Parl. Reg.</i> , xxxvii. 583; <i>Commons Journals</i> , xlix. 344 La Fayette (2) <i>see above</i> , pp. 594–9
1 April	Pensions and Sinécures Bill <i>World</i> , 2 April 1794

*Appendix A*

- Volunteer Corps (3)  
*Parl. Hist.*, xxi. 208–9, 210, 211
- 8 April Pensions and Sinecures Bill  
*see above*, pp. 600–6
- 11 April French Corps Bill  
*see above*, pp. 606–10
- 17 April French Corps Bill (2)  
*see above*, pp. 610–20
- Printing of *Report on Lords Journals*  
*Parl. Reg.*, xxxviii. 202; *World*, 18 April 1794; *Commons Journals*,  
xlix. 487
- 29 April Printing of *Report on Lords Journals*  
*Parl. Reg.*, xxxviii. 205
- 30 April *Report on Lords Journals*  
Vol. vii, pp. 110–213
- 13 May Election Bill  
*Parl. Reg.*, xxxviii. 239
- 16 May Bill for Suspending Habeas Corpus  
*see above*, pp. 620–4
- 23 May Speech on *Report on Lords Journals*  
Vol. vii, pp. 224–6
- 20 June Vote of Thanks to Managers  
Vol. vii, pp. 694–6
- Thanks to Hood  
*see above*, pp. 624–6

## APPENDIX B

### Collation of Texts

The following account, concerning the three published writings represented in this volume, records for each as applicable, several orders of information.

1. Printer's copy. The specific copy identified by its bibliographical state, Todd item number, library, and, where necessary, shelf mark. 'Editorial copy' refers to an exemplar in the collection of the textual editor. All copies correspond with the detailed description given in the Todd bibliography, and have been compared with certain of those there located.

2. Textual note. An account of any variant editions possibly affecting the text, though not represented in the bibliography, together with a summary treatment of certain typographical peculiarities.

3. Collation. Earlier superseded readings are noted here only when the purport of some revision remains in doubt. Accordingly this collation is confined, ordinarily, to those posterior substantive readings not in Burke's final revised issue of the separate publication, here submitted as the printer's copy, but occurring later in the collected *Works*.

These more significant readings are cited for several purposes:

(a) to disclose any readings apparently unrevised by the author but regarded by his editors as a textual crux, which they then resolved in other language. Except as noted, such interference is now disallowed.

(b) to justify in the present edition the correction of misprints detected also by these editors.

(c) to record as unjustified numerous other and quite arbitrary amendments, all of which, along with countless alterations in pointing and orthography, have passed through these early *Works* to texts in current use.

For each work the textual collation is represented efficiently in a single schedule, the wording of the printer's copy has always been given first, and the later alteration listed second. The latter variant is further identified by the numerals 1, 2, or 3, designating its first occurrence in the editions of the *Works* published in 1792, 1801, or 1803 (Todd 79a, 79b, 79c-d). Whenever this variant is adopted, according to the criteria cited above, its entry into the present edition is indicated by the plus sign, +. Otherwise, in this conservative text, the later reading, is cited simply to illustrate an unacceptable deviant from what appears to be Burke's final intention.



Representation to His Majesty

Text from first edition 1784 (46a), Bodleian copy G Pamph. 1798 (5)

[i] an | a 3. ii an | a 3. 6 of a | of a. 8 had | [om.] 2.  
 10 an | a 3. 12 An | A 3. 12 broken and | [om.] 1. 13 An | A 3.  
 15 an | a 3. 15 an | a 3. 17 acquisition | acquisitions 2.  
 17 as | so as to 22 Loondon | London 1+. 23 an | a 3.  
 23 that | [om.] 2. 23 | residing | ~) 1+. 23 Crown) | ~ 1+.  
 23 neglects | neglect 1. 24 This | The 1. 24 There the | The  
 29 now | [om.] 2. 30 what | with what 1.

Speech on the Army Estimates

Text from the third edition 1790 (52c), Yale University. Except for the usual adjustment of orthography and punctuation, later alterations in the *Works*, as noted below, may be regarded as minimal.

3 declaredly | declared 2. 7 [quotation in roman types, except *caput* and *nomine* in italics] | [italic type, ‘caput’ and ‘nomine’ in roman] 3. 9 an hard | a hard 3. 19 with ? and with 2.

Appeal from the New to the Old Whigs

Text from fourth edition 1791 (56d), Univ. of Texas copy. Incorporated from *Works* 1 is a necessary point (120) as well as several typographical corrections. More significant references to Charles James Fox (18<sup>2</sup> 45), belatedly entered in *Works* 3, are excluded as interventions probably by French Laurence, the ‘very learned person’ who earlier had assisted Burke in revising the 1791 editions.

1 *dimissionem* | *missionem* 1. 5 or of | or 3. 9 spilling of | spilling 2. 17 an | a 3. 18 *majorum* | *majorem* 2. 18 ^ considerations . . . minds.^ | “~ . . . ~” —The words of Mr. Fox, or to that effect. 3. 18 administer in | administer 3. 23 began | begun 3. 24 Argus | *Argus* 1. 29 from that | from their 2. 35 *or* | or 2. 35 but | but a 3. 38 circumstance | circumstance 1+. 45 represented | represented by Mr. Fox 3. 49 an | a 3. 56 were | are 2. 58 by | [om.] 2. 61 had | [om.] 2. 62 wanted | wanting 3. 75 abhorwhatever | abhor whatever 1+. 83 approach | approached 2. 84 Have *lights* where . . . wind.” | “*Have* lights, *where* . . . wind.” 1. 87 Mr. | M. 2. 88 in | on 3. 92 them, | ~,” 3. 92. that a | that the 2. 92 people.” | ~. ^ 3. 94 “God | ~1. 97 and the | and 1. 100 our part | our own part 2. 101 *debeat?* | *debet?* 3. 102 their | the 2. 102 politically is | politically 2, 106 other | one 2. 106 incorporation | corporation 2. 107 people | body 2. 109 an | a 3. 113 werke | werk 2. 113 Heaven | Heven 2. 114 Loke | 9 Loke 2. 114 ryyht | ryyt 3. 114 dyghte youre | dyghte your 2. 116 engagement | engagements 1. 120 societies | ~, 1. 122 and of | and 3. 128 A . . . hear. | *A . . . hear.* 1. 138—*Finita potestas denique cuique* / *Quanam haerens?* | —*Finita potestas denique cuique/Quanam haerens?* 1. 139 “’Tis . . . delay.” | “’Tis . . . delay” 1. 141 *pretexuntur* | *praetexunter* 3.

# INDEX

- Adams, Daniel, 452
- Adams, John, 131
- Adolphus Frederick, Duke of  
Cambridge, 583 n. 3
- Africa;
  - African trade, 273, 277
  - convicts to, 227–31
  - interior of, 278 n. 2, 499
  - slaves from, 272 n. 10, 278
- Aix-la-Chapelle, peace of, 540
- Alembert, Jean-Baptiste Le Rond d',  
543
- Allegheny mountains, 584
- Allen, Ethan, 120
- Almon, John, 35
- Alps, 553
- Alsace, 537, 540, 541
- America:
  - American Revolution;
    - compared with 1688, 396
    - compared with French  
Revolution, 30–1, 349, 365–6,  
437
    - 'a great revolution', 160 n. 1
  - colonial;
    - Burke's involvement with, 29, 30,  
131, 396
    - character of British rule, 329,  
396
    - loyalists, 75, 76, 91, 160–1, 244–6
    - slavery in, 272
    - transportation to, 227
  - United States;
    - Burke's views on, 30, 31, 328–30,  
356, 521
    - Congress, 44, 101, 107, 117, 121,  
124, 125, 126, 129, 160 n. 3, 486
    - Constitution, 31, 250, 328–30,  
332 n. 3, 340, 357, 365, 425
    - Paine on, 437–9, 483
    - peace with, 61, 128–31, 157–61,  
162–4, 166, 347, 531
    - trade of, 44, 130–1, 162–7, 238–9
- American War;
  - Burke's opposition to, 30, 99–103,  
245, 338, 398–9
  - few atrocities in, 615
  - La Fayette's role in, 596–8
  - popular support for, 135, 179, 181,  
216, 245
  - war of plunder, 42 n. 1
- Amsterdam, 44, 76, 567
- Anne, Queen, 409, 567
- Anstruther, John, 336
- Antwerp, 517 n. 3, 536 n. 7
- Apennine mountains, 553
- Armed Neutrality, 45, 56 n. 2, 83 n. 3
- Arnold, Benedict, 109
- Asgill, Charles, 595–6
- atheism, 44 n. 1, *see also* France: after  
1792
- Aubrey, John, 179
- Augustus II, King of Poland, 559
- Augustus III, King of Poland, 559
- Austria;
  - ally of Britain, 293, 536, 539
  - war with France, 6, 27, 516, 517, 520,  
537, 538, 571, 587, 588
  - see also* Holy Roman Empire
- Austrian Netherlands, 516, 526, 529,  
536, 540, 616
- see also* Brabant; Flanders
- Avignon, 378, 513, 531, 592 n. 3
- Aylesbury, 178
- Bailly, Jean-Sylvain, 295, 499
- Baker, William, 215 n. 1, 333, 334 n. 2
- Ball, John, 450–4
- Bank of England, 145, 146, 174,  
237 n. 2, 318, 567

- Banks, Sir Joseph, 164  
 Baptists, 'Anabaptists', 311, 313 n. 2, 483, 505  
 Barère, Bertrand de Vieuxac, 554  
 Barlow, Joel, 527, 542, 556  
 Barré, Isaac, 50, 54 n. 1, 62 n. 2, 147, 150, 157, 167-8, 177  
 Barrington, Samuel, Admiral, 275  
 Basel, 558  
 Bastia, 625-6  
 Bastille, 123, 305, 331, 383, 401, 539, 617  
     anniversary celebrations of storming, 378 n. 2, 451 n. 1, 458 n. 1, 466 n. 1, 510, 511  
 Bath, 127, 221, 258  
 Bathurst, Henry, 2nd Earl Bathurst, 195  
 Beauchamp, Lord, *see* Conway, Francis Seymour  
 Beckford, William, 254  
 Bedford, 5th Duke of, *see* Russell, Francis  
 Belleville, Charles-Godefroy Redon de, 565  
 Belsham, William, 477  
 Bembridge, Charles, 8, 167, 168, 169, 171-8  
 Bengal, 179, 204  
 Berthier de Sauvigny, Louis-Bénigne-François, 599, 617  
 Birmingham, 125, 222, 311 n. 3, 314 n. 3, 315, 458 n. 1  
     daggers made at, 545 n. 3, 572  
     riots at, 33, 509, 510-12  
 Black Sea, 278  
 Blackburne, John, 236 n. 1  
 Blackstone, Sir William, 208, 500 n. 3  
 Blair, Lambert, 72 n. 1, 73 n. 1  
 Blenheim, battle of, 285  
 Bolton, 313, 314 n. 1  
 Bordeaux, 617-18  
 Bouillé, François-Claude-Amour, Marquis de, 106 n. 1, 108  
 Bourbon, Elisabeth-Philippine-Marie-Hélène de, 551  
 Bourbon, Louis-Philippe-Joseph de, Duc d'Orléans, 'Égalité', 564, 571, 590  
 Bourbon, Louis-Stanislaus-Xavier de, Comte de Provence, 598  
 Brabant, 517, 526, 528  
 Brazil, 236 n. 3, 240  
 Brett, Charles, 164  
 Brissot, Jacques-Pierre, de Warville, 499, 548, 564, 570, 590, 593  
     and French foreign policy, 554, 558, 560, 565, 591, 593  
 Bristol, 221  
     Burke as M. P. for, 1, 53, 97, 272, 320, 363, 394  
     trade of, 66, 108 n. 3, 279 n. 1  
 Broglie, Victor-François, Duc de, 305  
 Brunswick, Duke of, *see* Charles William Ferdinand  
 Brunswick, house of, 249, 262, 263, 266, 268, 269, 312 n. 1, 439  
 Brydges, James, 3rd Duke of Chandos, 261, 263, 269, 270  
 Buckingham House, 248  
 Buckinghamshire county meeting, 15, 178-80  
 Bulam (Boloma), 520  
 Burgoyne, John, General, 102, 103, 117, 124-7, 486  
 Burgundy, 536  
 Burke, Edmund: individual writings;  
     *Appeal from the New to the Old Whigs*, 1, 6, 7, 11, 16, 18, 19, 20, 33, 96 n. 5, 187 n. 2, 253, 325, 365-477, 478, 500 n. 2, 533 n. 4, 536 n. 5, 558 n. 5, 588 n. 2  
     *Heads for Consideration on the Present State of Affairs*, 516  
     *Letter to a Member of the National Assembly*, 451 n. 2  
     *Letter to a Noble Lord*, 15, 19, 20  
     *Letter to the Sheriffs of Bristol*, 118 n. 2, 338, 518 n. 4  
     *Letters on a Regicide Peace*, 23, 27-8, 31, 48 n. 2, 511 n. 4, 514 n. 1, 585 n. 1

- Ninth Report of the Select Committee*,  
211 n. 3
- Observations on a Late State of the  
Nation*, 215
- Observations on the Conduct of the  
Minority*, 22, 28, 555 n. 2
- Preface to Brissot's Address to his  
Constituents*, 563 n. 3
- Reflections on the Revolution in  
France*, 1, 5, 18, 20, 22, 23-4,  
253 n. 1, 286 nn. 2, 3, 291 n. 2,  
325, 346, 358 n. 4, 366, 367, 369,  
371, 374, 384 n. 1, 390, 394, 398,  
410, 411, 418, 424, 431, 432 n. 1,  
437, 457, 466, 470, 476, 477, 483  
n. 1, 518, 575, 610
- Remarks on the Policy of the Allies*,  
81 n. 2, 571 n. 1, 594, 606
- Representation to His Majesty*, 1, 3,  
8, 13, 35, 181-215, 404, 405,  
406
- Speech at Arrival at Bristol*, 394
- Speech at Bristol Previous to the  
Election*, 97 n. 1, 320 n. 2, 323  
n. 2, 363
- Speech at the Conclusion of the Poll*,  
14, 20, 187 n. 2, 393, 394-5
- Speech on American Taxation*, 397
- Speech on Conciliation with America*,  
276 n. 4, 338, 420 n. 1
- Speech on Economical Reform*, 171,  
603 n. 4, 604 nn. 1, 2
- Speech on the Army Estimates*, 5, 18,  
22, 23, 24, 253 n. 1, 282-306,  
367
- Thoughts and Details on Scarcity*, 600,  
605 n. 1
- Thoughts on the Cause of the Present  
Discontents*, 10, 13, 21, 22,  
200 n. 1, 215, 241, 409 n. 1
- Thoughts on French Affairs*, 475 n. 2,  
548 n. 3
- Burke, Jane, 270 n. 1
- Burke, Richard, Jr., 34, 145 n. 5, 325,  
373 n. 3, 432 n. 1, 458 n. 1,  
522 n. 3
- Burke, Richard, Sr., 145 n. 5
- Burke, William, 145 n. 5
- Byng, George, 88
- Byng, John, Admiral, 112
- Cade, Jack, 450
- Calonne, Charles-Alexandre de,  
239 n. 1
- Cambon, Pierre-Joseph, 553, 554 n. 1,  
556 n. 2
- Cambridge, Duke of, *see* Adolphus  
Frederick
- Cameron, Archibald, 605
- Canada, 31, 67, 159, 327, 328, 330, 332,  
353, 354, 357  
French Canadians, 330, 352  
Lower and Upper, 326 n. 2, 351, 353  
*see also* Quebec
- Carlton House, 248
- Carpentras, 378
- Carra, Jean-Louis, 484 n. 3, 570
- Castries, Charles-Eugène-Gabriel de  
La Croix, Marquis de, 109 n. 1
- Catherine II, Empress of Russia, 45,  
539, 558
- Cavaillon, 378
- Cavendish, Lord George, 256 n. 4
- Cavendish, Lord John, 256 n. 4
- Cavendish, William, 5th Duke of  
Devonshire, 256 n. 4
- Cavendish Bentinck, William Henry,  
3rd Duke of Portland;  
leadership of Whigs, 150, 152, 162  
supports government, 515, 533, 535,  
610  
and Whig divisions, 282, 305,  
373 n. 2, 477
- Cazalès, Jacques-Marie-Antoine de,  
333
- Cecil, Robert, 1st Earl of Salisbury,  
603
- Cedars, battle of, 125
- Chabot, François, 499
- Chamfort, Sébastien-Roch-Nicolas,  
554 n. 6
- Champion, Richard, 163



- Chandos, 3rd Duke of, *see* Brydges, James
- Charles I, 521 n. 1
- Charles II, 18, 208, 253 n. 1, 285, 482 n. 2
- Charles VI, King of France, 257, 261
- Charles VI, Holy Roman Emperor, 261 n. 1
- Charles XII, King of Sweden, 58, 559, 588
- Charles William Ferdinand, Duke of Brunswick, 538, 571
- Charlotte, Queen, 248 n. 2, 258, 260 n. 2, 262, 263 n. 3, 265, 267, 268–9
- Chatham, 1st Earl of, *see* Pitt, William
- Chauvelin, Bernard-François, Marquis de, 542, 564
- Chauvelin, François-Claude-Bernard-Louis, Marquis de, 564
- Cherbourg, 239
- Chester, County Palatine, 51 n. 3, 149
- Church of England;  
after 1688, 293, 299  
in Canada, 323 n. 3  
Chatham's view of, 306–7  
Convocation, 309  
danger to, 25–6, 306, 310–16, 406, 469, 488, 489, 490–1, 494, 496–7, 499, 502, 503, 504, 508, 513  
high churchmen, 307, 309, 409  
importance of establishment, 25, 309, 310, 316–17, 488, 504  
modification of subscription, 393
- Churchill, John, 1st Duke of Marlborough, 540, 570 n. 4
- Civil List, 46, 51, 136, 138, 142, 149, 194, 265, 266, 605 n. 3
- Civita Vecchia, 297
- Clarendon, 1st Earl of, *see* Hyde, Edward
- Clavière, Etienne, 590
- Clinton, Sir Henry, General, 125, 185
- Clive, Robert, 261 n. 3
- Cloots, Jean-Baptiste du Val-de-Grace, Baron, 'Anacharsis', 333, 520, 555, 592 n. 3
- Coalition, Fox and North, 3, 8, 12, 157–8, 161, 162, 167  
unpopularity of, 178–80, 181, 185 n. 1, 406 n. 1, 467
- Cobbett, William, 37
- Cockburn, James, 72 n. 3, 72 n. 1
- Coke, Daniel, 150, 157
- Coke, Sir Edward, 91, 93, 579
- Coke, Thomas William, 601, 605
- Commission of Public Accounts, 51, 54 n. 1, 172
- Comtat, 378
- Condorcet, Marie-Jean-Antoine-Nicolas de Caritat, Marquis de, 475 n. 1, 522, 543, 555, 564  
constitution, British, *see* Parliament, House of Commons; Parliament, House of Lords; prerogative, royal
- Conway, Francis Seymour, Lord Beauchamp, 77, 329, 330, 331
- Conway, Henry Seymour, 134–5, 152–4
- Cooper, Sir Grey, 77, 252 n. 4
- Cooper, Thomas, 314, 484, 486, 569, 570
- Coote, Sir Eyre, General, 159
- Cordeliers club, 612, 614
- Cornwall, Duchy of, 51 n. 4, 149, 222, 223
- Cornwallis, Charles, 2nd Earl Cornwallis, 99–103, 109, 123, 127
- Corsica, 625–6
- Courtenay, John, 46 n. 2, 149
- Cromwell, Oliver, 258, 499 n. 6, 521
- Cruger, Henry, 279
- Cumberland, Dukes of, *see* Ernest Augustus, Henry
- Curson, Samuel, 105, 107 n. 3, 111 n. 3, 116

- Danton, Georges, 553 nn. 1, 2, 560  
 Dartmouth, 164  
 Das Voltas Bay, 231  
 Debrett, John, 37, 46  
 Declaration of Right, 1689, 414, 430  
 Denmark, 297  
 Depont, Charles-Jean-François, 374 n. 1  
 Derwentwater, 5th Earl of, *see*  
     Radcliffe, Charles  
 Devonshire, 54  
 Devonshire, 5th Duke of, *see*  
     Cavendish, William  
 Dissenters, Protestant;  
     Burke's relations with, 33, 311, 317,  
         393  
     Irish, 522  
     petitions for relief, 24, 25-6, 306-19  
     political influence of, 306, 406, 503  
     Rational Dissenters, 26, 306  
     threat to Church, 26, 311-16, 488,  
         489, 494-504  
     *see also* Baptists; Presbyterians;  
         Unitarians  
 Dolben, Sir William, 276  
 Drummond, Robert Hay, Archbishop  
     of York, 308  
 Dublin, 62 n. 2, 70 n. 1, 458, 623  
 Dumouriez, Charles-François du  
     Périer, 528, 555, 564, 567, 569,  
         588, 592  
 Dundas, Henry;  
     and America, 100, 161  
     and St Eustatius, 88-90, 113  
     in Pitt government, 212, 531, 532,  
         546, 610-11  
 Dunning, John, 47 n. 1, 148 n. 3, 346  
 Dupont, Jacques-Louis, 542-3  
 Dutch Republic, *see* Netherlands  
  
 East India Company, 185-6, 196,  
     202-6, 209-14, 405-6  
     *see also* India  
 economical reform;  
     campaign for, 47-50, 52  
     1780 bill, 11, 46, 51-2, 135 n. 5,  
         148-9, 185, 600  
     1781 bill, 11, 14, 46-65, 139 n. 5  
     1782 act, 2, 11-12, 141-9, 172, 194,  
         288, 340  
     King's message on, 141, 399  
     memorial on, 136-40  
     *see also* Civil List; Household  
 Eden, William, 165-6, 202 n. 5,  
     235  
 Edinburgh, 233 n. 6, 458, 621  
 Edward, Duke of Kent, 266  
 Effingham, 3rd Earl of, *see* Howard,  
     Thomas  
 Egypt, 239, 617 n. 3  
 Eliott, George, General, 190  
 Elliot, Sir Gilbert, 487, 533, 534  
 Ernest Augustus, Duke of  
     Cumberland, 583 n. 2  
 Estaing, Jean-Baptiste-Henri, Comte  
     d', 81  
 Exchequer, reform of, 139, 194  
 Eyre, Sir Robert, 423-5  
  
 Feilding, Robert, Viscount Feilding,  
     298  
 Ferguson, George, 113  
 Feuillants, 476 n. 1  
 Finch, Savile, 53 n. 2  
 Fitzpatrick, Richard, 594, 595, 597,  
     599  
 Fitzwilliam, William, 4th Earl  
     Fitzwilliam, 256 n. 5, 373 n. 2,  
         477, 516  
 Flanders, 537, 573, 583 n. 3, 592 n. 3  
 Fletcher, Samuel, 313-14  
 Florida, East and West, 159  
 Fontenoy, battle of, 615  
 Fort Royal, Martinique, 112  
 Foullon, Honoré-Charles-Ignace,  
     599  
 Foullon, Joseph-François, 599, 617  
 Fox, Charles James;  
     relations with Burke, 9, 20, 33, 281,  
         302, 304, 305, 319, 325, 338,  
         345-6, 350 n. 1, 355, 360,  
         362 n. 3, 365, 371 n. 1, 373, 389,  
         403, 515, 572

- views on constitution, 282, 294,
  - 303 n. 3, 332, 338, 346, 361, 399,
  - 407, 482, 485 n. 5, 505, 574 n. 2,
  - 575, 578 n. 1, 581, 586, 621
- views on religious toleration, 306,
  - 307, 309, 310, 311, 316, 319,
  - 320, 324, 346, 348, 353, 355,
  - 361, 372, 488, 493, 496, 504,
  - 506, 508, 510, 511 n. 1, 515
- Whig leadership, 2, 3, 477, 533,
  - 573-4
- opposition to North, 84, 88, 99
- and America, 31, 130, 131, 167, 329,
  - 338, 365, 395
- Westminster M.P., 149, 243-4
- marriage bill, 94-8, 344
- in Rockingham government, 141,
  - 149, 156
- 1782 resignation, 150, 152, 155
- in 1783-4 crisis, 221, 222, 404,
  - 405-6, 481, *see also* Coalition,
  - Fox and North
- and parliamentary reform, 225, 478,
  - 480, 487, 516, 567, 622
- in Regency crisis, 5, 247, 254-5, 257,
  - 258
- and Quebec bill, 332, 334 n. 1, 353,
  - 354 n. 1, 357
- and popular disaffection 6, 28-9,
  - 498, 522, 555, 567, 573, 621
- and Irish discontent, 522, 623
- allegations of republicanism, 325,
  - 332 n. 3, 346, 353, 354, 386-9,
  - 403 n. 1, 523, 533
- and Price, 315, 574 n. 2
- and Paine, 361 n. 5, 367, 483, 486,
  - 508, 515, 530 n. 2
- French contacts, 33, 548 n. 3, 558,
  - 563 n. 3, 571, 592 n. 3
- on French Revolution, 6, 282, 287,
  - 298, 312, 325, 333, 345 n. 1,
  - 348, 366, 379, 380, 381, 382,
  - 387, 388, 510, 513, 518, 538,
  - 620
- on recognition of French Republic,
  - 516-18, 521, 524, 528-9, 532, 554
- on war with France, 6, 517, 537,
  - 546-51, 557, 566, 587, 593, 594,
  - 610, 618
- Fox, Henry, 1st Baron Holland, 94, 167,
  - 360 n. 1
- Fox's India Bill;
  - Burke's speech on, 8, 80 n. 1, 188
  - defeat of, 12, 13, 178, 186 n. 3,
  - 197 n. 1, 201 n. 1
  - misrepresentation of 185-6, 203-14
  - unpopularity of, 179-80, 181, 406, 434
- France: before 1789;
  - rivalry with Britain, 41, 282, 283,
  - 293, 536, 548, 550, 562
  - in American War, 59-61, 86, 106,
  - 108, 596-8
  - Burke visits, 289 n. 2, 400-1,
  - 595 n. 6
  - Burke's view of government of,
    - 300, 381, 401, 403-4, 456,
    - 540-1, 556, 617-18
  - Burke's view of state of, 382, 401,
  - 617 n. 4
- Parlements, 618
- States General, 288, 289, 433, 456,
- 562
- French Revolution;
  - British clubs and, 241, 282, 287,
  - 360, 374, 378, 410, 464, 483,
  - 495, 500, 509, 520, 521, 527,
  - 568-70, 576, 582, 584-5, 592
  - émigrés* from, 9, 33-4, 282, 457,
  - 532, 556, 596, 606-20
  - international expansion of, 335,
  - 377 n. 7, 500, 516, 520, 521,
  - 526, 528, 530, 531, 536, 537-8,
  - 539-40, 541-2, 549-54, 561,
  - 565, 587-91, 615
- 1789-92;
  - army, 286-7, 291, 292, 297, 298-9,
  - 303, 305, 332, 343, 512
- Civil Constitution of clergy, 26,
  - 349, 377, 512
- constitution, 288-9, 299, 330-1,
- 346, 38, 349, 376, 381, 384, 406,
- 458

- a 'democracy', 286, 288, 289, 299,  
304, 330, 441-2  
Legislative Assembly, composition  
of, 485 n. 1  
National Assembly, 288, 295, 300,  
305, 373, 434, 455-6, 484-5,  
513, 520  
religious persecution, 316, 349,  
376-7, 499, 510, 512  
after 1792;  
atheism, 24, 533, 542-3, 555  
constitution, 517-18, 563, 618  
Convention, 527, 529, 542, 543,  
553, 554, 556, 560, 564, 571,  
578, 590, 593, 613  
massacres, 528, 545, 563, 571-2,  
614  
sansculottes, 554, 555, 562, 588,  
590  
Francis, Philip, 371 n. 1, 610  
Franklin, Benjamin, 70, 81 n. 1, 168,  
530-1  
and British empire, 396  
and Burgoyne, 125-6, 127, 486  
Frederica Charlotte, Duchess of York,  
537 n. 5  
Frederick II, King of Prussia, 539  
Frederick Augustus, Duke of York,  
265-6, 268, 537 n. 5, 583 n. 3,  
614 n. 3  
Frederick William II, King of Prussia,  
519, 537, 538, 539, 554, 558,  
562, 589, 597  
Friends of the People, 21, 478, 480 n. 1,  
556  
Frost, John, 520, 527, 529, 530, 531,  
542  
Galloway, Joseph, 121  
Gambia, 227, 228, 229, 230  
Gamon, Richard, 263, 270  
Garat, Dominique-Joseph, 553  
Garonne, river, 238  
Gascoyne, Bamber, 274  
Gdansk, 558, 589  
Geneva, 554 n. 8, 559, 591 n. 1  
Genoa, 518  
George I, 567  
George II, 251, 416, 567  
George III;  
and America, 2, 101, 130, 132  
and *Appeal*, 477  
Burke's view of 21, 499, 528  
choice of ministers by, 2, 12, 13, 150,  
162, 171  
in crisis of 1783-4, 3, 12, 15, 178,  
181, 186, 197-203  
and economical reform, 57, 58, 59,  
136-41, 142, 144 n. 1  
Electors of Hanover, 438  
incapacity, 1788-9, 5, 16, 17, 246-7,  
251, 255, 259-60, 265-6, 270-1  
recovery, 247, 258, 267-8, 271, 343  
threatened by revolution, 26, 498,  
523, 560  
and war with France 549, 552  
George Augustus Frederick, Prince of  
Wales, 498  
Regency crisis, 5, 17, 246, 247,  
248 n. 2, 250, 251, 254-5, 257,  
261-2, 266, 268  
Germain, Lord George;  
and America, 44, 99, 101, 102,  
126 n. 3, 127  
and St Eustatius, 88, 104, 105,  
111 n. 3  
Gibraltar, 112 n. 5, 190 n. 2  
Girondins, 53, 499 n. 3, 558 n. 2,  
571 n. 1, 590 n. 3, 617 n. 1  
Glanville, J. W., 78  
Gloucester, 221  
Gloucester, Duke of, *see* William  
Gloucestershire, 236 n. 1  
Glover, Richard, 276  
Gordon, Lord George, 318, 344, 360,  
362  
Gordon riots, 28, 318, 320, 344, 360,  
362  
Gouverneur, Elizabeth, 107 n. 4  
Gouverneur, Isaac, 105, 107, 116  
Gower, George Granville Leveson,  
Earl Gower, 554



- Graaf, Johannes de, 107 n. 1  
 Graham, James, Marquess of Graham, 271  
 Grailly, Jean de, 450  
 Grant, William, 352  
 Grasse, François-Joseph-Paul, Comte de, Admiral, 106, 112, 116  
 Gravel, Madame, 514  
 Grégoire, Henri, 450  
 Grenada, 67, 77, 81–2, 83, 86, 88, 93, 109  
 Grenville, George, 359  
 Grenville, George Nugent, 3rd Earl Temple, 197, 201  
 Grenville, Thomas, 180  
 Grenville, William Wyndham, 1st Baron Grenville, 203, 236, 240, 282, 284 n. 2, 296  
     and French Revolution, 545, 576  
 Grey, Charles, 238 n. 1, 247  
     debt inquiry, 363–5  
     and French Revolution, 524, 565 n. 1, 599, 610  
     Friends of the People, 478–87, 568, 621  
     in Quebec debate, 336, 337, 343  
 Grosvenor, Thomas, 132 n. 2  
 Grotius, Hugo, 93  
 Guadeloupe, 87, 321  
  
 Hackney, 312 n. 1, 453  
 Halliday, Christopher, 107  
 Hampden, John, 482  
 Hanover;  
     Elector of, 438, 439  
     house of, 250, 251, 436, 624  
 Harcourt, Sir Simon, 418  
 Hardwicke, 1st Earl of, *see* Yorke, Philip  
 Harlow, 313  
 Harris, James, 1st Baron Malmesbury, 580–1  
 Harrison, John, 511, 600–6  
 Hastings, Warren, 159, 211, 215, 592 n. 3  
     impeachment of, 3, 4, 5, 9, 22, 30, 33, 243, 271, 273, 282, 294, 336, 370 n. 1, 560, 594, 625  
  
 Hawkins, William, 580–1  
 Hawles, Sir John, 414–15, 421–2  
 Henchman, Humphry, 422  
 Henrietta Maria, Queen, 601 n. 5  
 Henry IV, King of France, 61  
 Henry VI, 252  
 Henry, Duke of Cumberland, 261  
 Hervey, John Augustus, Lord Hervey, 117  
 Hill, Wills, 1st Earl of Hillsborough, 86–7, 100, 123  
 Hobart, Henry, 604 n. 3  
 Hoheb, Samuel, 75 n. 3, 109, 116  
 Holdsworth, Arthur, 164  
 Holland, Sir John, 428  
 Holland, 1st Baron, *see* Fox, Henry  
 Holroyd, John Baker, 1st Baron Sheffield, 337, 350  
 Holy Roman Emperor, *see* Charles VI, Joseph II, Leopold II  
 Hood, Samuel, 1st Baron Hood, Admiral;  
     in Mediterranean, 598, 624–6  
     in West Indies, 86, 112  
 Hornby, William, 211 n. 3  
 Hotham, William, 107  
 Household, royal;  
     regulation of, 142, 143, 144  
     under Regency, 260 n. 5, 262, 270, 271  
 Howard, Charles, Earl of Surrey, 132, 136  
 Howard, Sir George, General, 296  
 Howard, Thomas, 3rd Earl of Effingham, 234  
 Howe, Sir William, General, 75  
 Hume, Sir Abraham, 477  
 Hume, David, 63 n. 1  
 Hussey, William, 245  
 Hyde, Edward, 1st Earl of Clarendon, 482  
  
 India;  
     British rule in, 204, 206, 209–14, 243–4, 406

- Burke's campaigns on, 1, 5, 15, 67,  
92 n. 1, 327 n. 1  
'Indianism', 30  
*see also* East India Company; Fox's  
India Bill
- Ireland, 1, 357, 560  
anecdotes, 110, 164, 625  
Burke and, 29, 408  
Catholics, 32, 522-3, 623  
emigration, 165  
trade of, 61-2, 165-6  
Volunteers, 187, 196, 233, 234 n. 7
- Jacobin Club, 483-4, 486, 509, 527,  
568, 569, 570, 593, 612
- Jacobins, 'Jacobinism', 7, 22, 23, 272 n.  
10, 571, 590, 592 n. 3, 607, 616  
British Jacobins, 23, 27, 28, 29, 30,  
32, 584, 609, 610, 623
- Jacobites, 415, 416, 567, 615
- Jacquerie, 450
- Jamaica, 112, 272, 619 n. 2
- James I, 421
- James II, 17-18, 186 n. 4, 208 n. 1, 253,  
285, 292, 299, 366, 410, 414,  
436
- Jefferson, Thomas, 239 n. 1
- Jekyll, Sir Joseph, 417-19, 422-3, 425,  
426, 575
- Jemappes, battle of, 537-8
- Jenings, Edmund, 166
- Jenkinson, Charles, 1st Baron  
Hawkesbury, 524 n. 1
- Jenkinson, Robert Banks, 524
- Jews, 271 n. 4, 507  
at St Eustatius, 67, 71-5, 91, 109
- John Maurice of Nassau-Siegen, 539
- Johnson, Samuel, 525-6
- Johnstone, George, 121 n. 3, 173
- Joseph II, Holy Roman Emperor, 536
- Kent, Duke of, *see* Edward
- Keppel, George, 119
- Kett, Robert, 450
- King, Walker, 35, 487
- Kippis, Andrew, 499, 509
- La Fayette, Marie-Joseph-Paul-Roch-  
Gilbert, Du Motier, Marquis de,  
433, 592 n. 3  
in captivity, 594-9  
guardian of Louis XVI, 333, 597  
role in 1789, 291, 295, 599
- La Galissonnière, Roland-Michel, Barin,  
Marquis de, Admiral, 112
- Lamballe, Marie-Thérèse-Louise de  
Savoie-Carignan, Princesse de,  
571
- Lambton, William Henry, 576, 607,  
608, 609
- Lancaster, Duchy of, 51 n. 4, 148,  
149
- Land Tax, 359, 394 n. 1, 416
- Languedoc, 238
- Lanjuinais, Jean-Denis, 617
- Lanthenas, François-Xavier, 560 n. 3
- Laud, William, Archbishop, 316, 560
- Lauffeld, battle of, 615 n. 6
- Laurence, French, 35, 360 n. 1,  
472 n. 1, 476-7
- Laurens, Henry;  
capture of, 44, 116  
in Tower, 102, 103, 117, 118-23  
release of, 116, 117, 123-8
- Laurens, Henry, Jr., 123 n. 2
- Laurens, John, 103, 123
- Law, John, 358 n. 1
- Law of Nations, 66, 67, 128, 516  
action against France under, 31, 592,  
613  
applied to Canada, 31, 327  
applied to St Eustatius, 31, 78-82,  
90-3  
revolutionary French interpretation  
of, 540, 553, 565  
and slavery, 272
- Le Brun-Tondu, Pierre-Henri-Hélène-  
Marie, 542, 590
- Le Mesurier, Paul, 241, 243
- Lechmere, Nicholas, 411, 412-14
- Lee, William, 44 n. 3
- Leghorn, 238
- Lemain, 227, 231

- Lennox, Charles, 3rd Duke of Richmond;  
     on America, 130, 313, 315  
     Master General of Ordnance, 144,  
         148, 149, 234 n. 5  
     parliamentary reform, 187, 196, 225,  
         232, 234, 485  
 Leopold II, Holy Roman Emperor, 537,  
     538, 616  
 Levant, 238, 332 n. 2  
 Liège, 551, 563–4, 592, 594  
 Ligonier, John, 1st Earl Ligonier,  
     General, 615  
 Lindsey, Theophilus, 508, 515  
 Liverpool, 66, 108 n. 3, 273, 458 n. 1  
 Locke, John, 538–9, 614  
 London;  
     City of, 26, 66, 106 n. 1, 207–9,  
         241–3, 360, 429, 498  
     politics of, 14, 49 n. 2, 54 n. 2,  
         232, 327, 330, 458, 508 n. 3,  
         541  
     religious Dissent in, 312, 374 n. 2,  
         467  
     *see also* Gordon riots  
 London Corresponding Society, 621  
 Loughborough, 1st Baron, *see*  
     Wedderburn, Alexander  
 Louis XIV, King of France, 254 n. 2,  
     285, 300, 301, 304, 316, 562,  
     615, 616  
 Louis XV, King of France, 540, 544 n.  
     2, 564, 598 n. 4  
 Louis XVI, King of France;  
     character of, 347, 560  
     and American War, 59–60, 81, 86,  
         108, 597–8  
     rule before 1789, 617–18  
     and events in 1789, 291, 376, 475,  
         523  
     and constitution, 333, 347, 357, 399  
     deposed, 475, 498, 516, 530  
     killing of, 6, 550, 553, 554, 560, 564,  
         599  
 Louis XVII, King of France, 475, 550  
 Louisiana, 358  
 Macdonald, Sir Archibald, 280,  
     363  
 McGrugar, Thomas, 233  
 Mackintosh, James, 348 n. 2, 432 n. 1,  
     518, 556  
 Magna Carta, 450 n. 2, 511, 579 n. 4  
 Mahon, Viscount, *see* Stanhope,  
     Charles  
 Mainwaring, William, 270  
 Mainz, 559  
 Malmesbury, 1st Baron, *see* Harris,  
     James  
 Malton, 1, 53 n. 1  
 Manchester, 27, 236 n. 1, 458 n. 1, 484,  
     570, 605  
 Manchester Constitutional Society,  
     484, 513, 570 n. 1  
 Mansfield, 1st Earl of, *see* Murray,  
     William  
 Marat, Jean-Paul, 529, 570, 590  
 Margate, 369  
 Marie-Antoinette, Queen of France,  
     550, 595, 596  
 Marlborough, 1st Duke of, *see*  
     Churchill, John  
 Marseilles, 332 n. 2, 548, 590  
 Martin, James, 168  
 Martinique, 87, 111, 112  
 Mauduit du Plessis, Thomas-Antoine  
     de, 332  
 Maxwell, William, 572  
 Mayne, William, 1st Baron Newhaven,  
     127, 168  
 Merlin, Antoine-Christoph, 554 n. 2  
 Meuse, river, 538  
 Milner, John, 322 n. 1  
 Minorca, 112, 159  
 Mint, the, 134, 135  
 Mirabeau, Honoré-Gabriel-Victor  
     Riqueti, Comte de, 468, 544 n. 2,  
     617 n. 3, 618  
 Mississippi Company, 358  
 Mitford, John, 320, 324  
 Montagu, Frederick, 157 n. 1  
 Montagu, Matthew, 610 n. 3  
 Montague, Sir James, 411

- Montesquieu, Charles de Secondat,  
Baron de La Brède et de  
Montesquieu, 403 n. 1, 472 n. 1,  
473-4
- Montgomery, Richard, General, 338
- Morris, Gouverneur, 528 n. 3
- Murray, David, 7th Viscount  
Stormont, 108, 240 n. 1
- Murray, William, 1st Earl of Mansfield,  
107 n. 3, 127, 131
- Nancy, mutiny at, 513, 570
- Nantes, Edict of, Revocation, 316, 615
- Naples, 565
- Navy, Treasurer of, 139 n. 5, 147
- Necker, Jacques, 60-1
- Netherlands, Dutch Republic, 518  
Britain's traditional ally, 41, 42, 45,  
108, 297  
threatened by French, 516-18, 521,  
538, 546, 549, 587, 588  
trade of, 41, 45, 111, 238, 582, 585  
war with, 41-5, 66-9, 82, 106-7
- New South Wales, 231
- Newcastle, 1st Duke of, *see* Pelham  
Holles, Thomas
- Newcastle-under-Lyme, 222
- Newcastle-upon-Tyne, 222
- Newenham, Sir Edward, 70 n. 1
- Newhaven, 1st Baron, *see* Mayne,  
William
- Newnham, Samuel, 229
- Nice, 551
- Noble, John, 394 n. 3
- Nootka Sound, 589
- North, Frederick, 524
- North, Frederick, Lord;  
and American War, 2, 99, 127, 132,  
158  
and Burke, 53, 153, 162 n. 2  
and Dutch War, 41, 44, 45, 83, 114,  
115  
and economical reform, 11, 46, 51,  
54, 65, 149  
end of ministry, 2, 131-6  
*see also* Coalition, Fox and North
- Norwich, 458, 601, 604
- Ochakov, *see* Russia
- Ordnance Board, 144, 148, 149
- Oswald, John, 572, 573
- Oswald, Richard, 164
- Ottoman empire, 238 n. 4, 507,  
565 n. 1
- Paine, Thomas, 489  
on British constitution, 26, 431, 434,  
436-9  
Burke's view of, 361, 367, 432, 483,  
499, 511  
and France, 529, 530, 556, 560 n. 3,  
569, 585 n. 2  
on heredity, 20, 384, 433, 435  
*Rights of Man* I, 326 n. 4, 348, 367,  
375 n. 1, 439 n. 4, 486, 508,  
515  
*Rights of Man* II, 439 n. 2, 450 n. 2,  
477, 478, 527 n. 1  
*see also* Fox, Charles James
- Palmer, Samuel, 312, 316
- Panthéon, 544, 545
- Paris, 241  
in 1789, 26, 291 n. 2  
Commune, 'the republic of Paris',  
295, 305, 539  
prisons, 528 n. 1, 570, 571, 596, *see*  
*also* Bastille  
Sections, 571 n. 1
- Parliament:  
Acts;  
25 Edw. III, st. 5, c. 2, Treason  
Act, 579  
1 Eliz. I, c. 1, Act of Supremacy,  
420  
27 Eliz. I, c. 2, Act against  
Seminary Priests, 321, 324  
12 Car. II, c. 18, Navigation Act,  
130, 162, 163, 166 n. 1  
13 Car. II, st. 1, c. 1, Corporation  
Act, 25, 26, 306, 313, 314, 317,  
318, 426, 489  
14 Car. II, c. 3, Militia Act, 427



- 25 Car. II, c.7, Test Act, 25, 26,  
306, 312 n. 1, 313, 314, 317, 318,  
426 n. 1, 489
- 29 Car. II, c. 3, Statute of Frauds,  
581
- 1 Will. and Mary, c. 8, Oath of  
Allegiance, 426
- 1 Will. and Mary, c. 18, Toleration  
Act, 293, 488
- 1 Will. and Mary, sess. 2, c. 2, Bill  
of Rights, 253, 413 n. 1, 424,  
505
- 2 Will. and Mary, c. 8, Restoration  
of London's Charters, 208
- 3 Will. and Mary, c. 13, Traitorous  
Correspondence Act, 580
- 9 and 10 Will. III, c. 35,  
Blasphemy Act, 488, 505, 512
- 12 and 13 Will. III, c. 2, Act of  
Settlement, 425
- 3 and 4 Anne, c. 14, Traitorous  
Correspondence Act, 580
- 6 Anne, c. 41, Regency Act, 419
- 26 Geo. II, c. 38, Marriage Act,  
94–8, 344
- 1 Geo. I, st. 2, c. 38, Septennial  
Act, 199 n. 1
- 6 Geo. III, c. 12, Declaratory Act,  
130
- 6 Geo. III, c. 36, Act for Protection  
of Trees, 279
- 7 Geo. III, c. 46, Revenue Act, 397
- 7 Geo. III, c. 57, East India  
Company Act, 205
- 9 Geo. III, c. 24, East India  
Company Act, 205
- 13 Geo. III, c. 63, East India  
Regulating Act, 204, 205, 210
- 13 Geo. III, c. 64, East India Loan  
Act, 196
- 14 Geo. III, c. 10, Boston Port Act,  
397
- 14 Geo. III, c. 45, Massachusetts  
Regulating Act, 209, 397
- 15 Geo. III, c. 10, New England  
Trade and Fisheries Act, 397
- 15 Geo. III, 18, American  
Restraining Act, 397
- 17 Geo. III, c. 9, American  
Treason Act, 118, 121–2, 123
- 18 Geo. III, c. 60, Catholic Relief  
Act, 319, 321
- 19 Geo. III, c. 44, Dissenters'  
Relief Act, 311
- 19 Geo. III, c. 53, North American  
Cotton Act, 77
- 20 Geo. III, c. 29, Grenada Act, 77
- 20 Geo. III, c. 39, Tobacco Act, 77
- 20 Geo. III, c. 56, East India  
Company Act, 205
- 22 Geo. III, c. 10, American  
Prisoners Act, 128
- 22 Geo. III, c. 41, Crewe's Act, 194
- 22 Geo. III, c. 45, Clerke's Act,  
194
- 22 Geo. III, c. 51, East India  
Company Relief Act, 212
- 22 Geo. III, c. 81, Pay Office Act,  
51, 139, 146–7, 149, 194, 286
- 22 Geo. III, c. 82, Civil  
Establishment Act, 2, 11–12, 65,  
142–9, 172, 288, 346
- 23 Geo. III, c. 36, East India  
Company Relief Act, 212
- 23 Geo. III, c. 50, Pay Office Act,  
288
- 23 Geo. III, c. 82, Exchequer  
Regulation Act, 194
- 23 Geo. III, c. 83, East India  
Company Relief Act, 212
- 24 Geo. III, c. 2, East India  
Company Dividend Act, 213
- 24 Geo. III, c. 56, Transportation  
Act, 227
- 28 Geo. III, c. 40, Loyalist  
Compensation Act, 246
- 31 Geo. III, c. 32, Catholic Relief  
Act, 324
- 33 Geo. III, c. 3, Aliens Act,  
532–46
- 33 Geo. III, c. 27, Traitorous  
Correspondence Act, 575–86

- 34 Geo. III, c. 43, French Corps Act, 606–20
- 34 Geo. III, c. 54, Suspension of Habeas Corpus Act, 621–4
- House of Commons;  
 ‘a species of aristocracy’, 300  
 country gentlemen in, 133, 140, 233  
 ‘democratic part’ of the constitution, 21, 183, 391  
 independence of, 2, 10, 11, 12, 13, 15–16, 180, 189–90, 399  
 limitations on the powers of, 17, 90 n. 1, 247, 250, 254  
 and the people, 12, 13–14, 15, 16, 21, 22, 180, 184–5, 192–3, 198, 207, 218  
 prescriptive basis of, 220–1  
 rights of, 187 n. 2, 189–202, 207–8, 405, 534, 541, 606
- House of Lords;  
 constitutional role of, 19–20, 187, 195, 201–2, 357, 433, 541, 578  
 rivalry with Commons, 20, 187 n. 2, 195–6
- Pay Office;  
 abuses in, 2, 146, 167, 173–4, 194  
 Burke as Paymaster General, 2, 3, 136, 143, 145, 154, 157, 162, 167–78, 256  
 reform of, 139, 146–7, 168, 173–4, 139, 176, 194
- Peasants’ revolt, 369, 450 n. 3
- Pelham Holles, Thomas, 1st Duke of Newcastle, 409 n. 2
- Pétion de Villeneuve, Jérôme, 570
- Petty, William, 2nd Earl of Shelburne;  
 administration of, 2, 12, 149, 150–6, 162, 168, 170, 308  
 and America, 131, 157–62, 162–3, 398  
 Burke’s antipathy for, 8, 150, 152–7, 282 n. 3  
 constitutional views of, 13, 142, 184, 187, 192, 195, 233, 313
- in Rockingham administration, 2, 137, 142
- Philadelphia, 322
- Pitt, Thomas, 158–9, 161
- Pitt, William, 1st Earl of Chatham, 156 n. 3, 172, 308, 396 n. 1, 408
- Pitt, William;  
 relations with Burke, 9, 65, 235, 295, 341 n. 1, 350, 379, 586, 593, 606  
 and Shelburne, 155, 156, 161, 163, 184, 308  
 rise to power, 3, 8, 12, 13, 15, 178, 180, 181, 185, 198, 405, 481 n. 1, 605  
 and the constitution, 13, 16–17, 196, 202, 283, 297, 346, 353, 357, 469, 534  
 and parliamentary reform, 215–16, 223, 225, 226, 232–5, 478, 479, 481, 485, 567, 568  
 and transportation, 227, 230, 231  
 and American loyalists, 244–6  
 and Regency crisis, 11, 247–8, 250, 254, 257–8, 260, 261, 263–4, 266, 267, 270  
 and Ochakov crisis, 338, 380, 386  
 and Quebec Bill, 325, 332 n. 3, 336, 337, 338, 346, 350, 352–3, 357, 380  
 and religious reform, 306–7, 316, 319, 324, 515  
 and French Revolution, 295, 298, 379, 469, 516  
 and war with France, 6, 7, 546, 576, 593, 595
- Plumb, Thomas, 314 n. 1
- Poland;  
 1791 constitution, 446, 462–4  
 Burke’s sympathy for, 369, 404  
 second partition of, 557–8
- Pollock, Myer, 75
- Portland, 3rd Duke of, *see* Cavendish Bentinck, William Henry
- Portsmouth, 117, 239, 598

- Portugal;  
     trade with, 130 n. 3, 235–6, 239, 240
- Powell, John, 8, 147, 167, 168, 169, 171–8
- Powys, Thomas, 161
- prerogative, royal;  
     abuse of, 13, 181, 182, 184, 224, 346, 509  
     appointment and dismissal of ministers, 13, 179, 180, 193, 207, 213  
     creation of peers, 357  
     India outside prerogative, 185, 203–4, 205–6, 207  
     lawful, 195, 197, 360, 406, 425, 426, 579  
     prescriptive, 219  
     power of dissolution, 13, 198–9, 202 n. 2, 207, 213  
     power of making war and peace, 42, 185, 206  
     reform of, 62, 197, 399, 482  
     veto, 187 n. 2, 195
- Presbyterians, 312, 493, 495, 505, 522
- press;  
     attacks on Burke, 145 n. 5, 270, 370, 388  
     freedom of press, 361–2, 621–2  
     French newspapers, 281–2, 565 n. 1  
     newspaper reporting of parliament, 36–8, 116, 548 n. 1  
     newspaper stories, 118, 280, 354, 370, 386, 572
- Price, Richard, 17, 18, 24, 247, 282, 287 n. 3, 306, 308 n. 5, 367
- Priestley, Joseph;  
     French sympathies, 38, 508–9, 510–11, 569, 585 n. 2, 592 n. 4  
     politics of, 350 n. 1, 489, 494 n. 3, 495  
     relations with Burke, 315 n. 1, 567, 569  
     Unitarianism, 306, 311 n. 3, 314–15, 316, 453, 488 n. 5, 490 n. 3
- Priestley, William, 592 n. 4
- Provence, Comte de, *see* Bourbon, Louis-Stanislaus-Xavier
- Prussia, 615  
     British ally, 297, 562, 597  
     and Poland, 464, 558–9, 588, 589  
     war with France, 6, 27, 516, 519–20, 529, 538, 539, 554, 571, 587, 594
- Quakers, 493, 503 n. 3, 505
- Quebec;  
     debate on, 6, 9, 324–362, 379, 387–8, 403 n. 1  
     government of, 19, 325, 326–30, 332, 351–4, 357–8
- Radcliffe, Charles, 5th Earl of Derwentwater, 615
- Ramillies, battle of, 285
- Ramsay, James, 72 n. 1
- Regency crisis, 1788–9, 5, 9, 17, 22, 246–71
- Revolution, 1688;  
     act of necessity, 253 n. 1, 366, 412–16, 418, 419, 423  
     as interpreted by Old Whigs, 30, 409–29, 567  
     as interpreted in *Reflections*, 410, 418  
     compared with American resistance, 396–7  
     compared with French Revolution, 292, 294 n. 4, 298–9, 405  
     consequences of, 293, 382, 426  
     Fox's interpretation, 407, 574 n. 2  
     limited changes, 292–3, 299, 366, 421, 429, 430, 482  
     no precedent for Regency, 17–18, 253 n. 1  
     Paine's interpretation, 435, 437  
     Price's interpretation, 18, 282, 367  
     Revolution Society, 24, 33, 282, 287 n. 3, 362 n. 1, 367, 374 n. 2, 437, 489, 513  
     French correspondence of, 282, 485, 509, 568–9, 582, 584, 623
- Reynolds, Sir Joshua, 474

- Rhine, river, 538, 553, 559  
 Rhône, river, 238  
 Richard, Duke of York, 252 n. 4  
 Richmond, 3rd Duke of, *see* Lennox, Charles  
 Rigby, Richard, 119, 172 n. 3, 176, 178  
 Rights of Man;  
     in 1688, 253 n. 1  
     and American Revolution, 330  
     and British constitution, 22, 218, 338, 425, 457, 460, 519  
     Declaration of, 1789, 289, 300 n. 3, 326, 331–2, 377, 378, 450, 521  
     Fox on, 312 n. 3, 320 n. 4, 338, 367, 483  
     and French Revolution, 330, 385, 452, 468, 500 n. 2, 519, 521, 525, 593  
     natural rights, 218, 219, 309, 310, 502, 505  
     Unitarians toast, 26, 494, 508  
     *see also* Paine, Thomas  
 Robespierre, Maximilien-Marie-François-Isidore, 529  
 Robinson, Robert, 311–16  
 Rochefoucauld, Louis-Alexandre, Duc d'Enville, 522–3  
 Rockingham, Marquess of, *see* Watson Wentworth, Charles  
 Rodney, Sir George Brydges, Admiral;  
     at St Eustatius, 31, 66–94, 103–16  
     victory at Saintes, 112 n. 3, 116, 161 n. 5  
 Roland, Jean-Marie Roland de la Platière, 495 n. 5, 512 n. 1, 558 n. 2, 563, 564, 590  
 Roland, Marie-Jeanne Philippon, Madame Roland, 590  
 Rolle, John, 168–72, 177, 178  
 Roman Catholics;  
     English, 24, 25, 32, 319–24, 488, 505, 623  
     Irish, 32, 522–3  
     Papacy, 297, 319, 321–2, 323, 591  
 Rous, George, 477, 503  
 Royal African Company, 139  
 Russell, Francis, 5th Duke of Bedford, 20, 21  
 Russia, 165, 297, 539, 604  
     and Armed Neutrality, 45, 56 n. 2, 83 n. 3  
     Ochakov crisis, 325, 380 n. 1, 386, 482, 486 n. 2, 589 n. 4  
     and Poland, 462 n. 1, 464 n. 3, 558, 559 n. 2, 588  
 Ryswick, treaty of, 293, 541 n. 1  
 Sacheverell, Henry, 366, 409  
     trial of, 411–29  
 St Croix, 83  
 St Domingue (St Domingo), 331–2, 356  
 St Eustatius, 31, 41, 43, 45, 65–94, 103–16, 117, 327 n. 1  
 St James's Palace, 248 n. 2  
 St John, St Andrew, 334, 337  
 St Kitts (St Christopher), 67, 75, 76–7, 85, 109  
 St Lucia, 158  
 St Thomas, 83, 114  
 St Vincent, 70, 86, 87, 104, 105–6  
 Saintes, battle of, 111  
 Salisbury, 1st Earl of, *see* Cecil, Robert  
 Sanson, Charles-Henri, 564  
 Santerre, Antoine-Joseph, 544, 590  
 Saône, river, 526  
 Saratoga, battle of, 102, 103, 244  
 Sardinia, kingdom of, 526 n. 4, 551 n. 2  
 Savile, Sir George, 254, 309, 311  
 Savoy, 526, 551, 559  
 Sawbridge, John, 215, 225, 226  
 Saxe, Maurice, Comte de, 540  
 Scheldt, river, 517, 525, 530, 536 n. 7  
 Scotland, 28, 63 n. 1, 139, 221, 253 n. 1, 576, 623 n. 2  
     Church of, 312  
 Seine, river, 238  
 Sémonville, Charles-Louis Huguët, Marquis de, 592 n. 3  
 Sempill, Hugh, 14th Lord, 527, 542  
 Seven Years War, 41



- Shah Alam II, Mughal Emperor, 204 n. 1  
 Sheffield, 1st Baron, *see* Holroyd, John  
     Baker  
 Shelburne, 2nd Earl of, *see* Petty,  
     William  
 Sheridan, Richard Brinsley;  
     constitutional views of, 336, 486,  
         556, 566–7, 568, 606, 621,  
         622  
     and French Revolution, 6, 282,  
         295, 366, 377, 387, 388, 571,  
         620  
     and Hastings, 4, 243  
     relations with Burke, 7, 9, 217, 247,  
         282, 303, 304–5, 537, 572, 575,  
         605, 610, 611, 620  
     and war with France, 607, 625  
 Simond, Peter, 86 n. 2  
 slave trade, 32, 243, 272–9  
 slavery;  
     Burke's views on, 32, 272, 275–6,  
         278  
     debtors as slaves, 363  
     Irish Catholics 'enslaved', 502 n. 3  
     in North America, 101 n. 5, 272,  
         397  
     in West Indies, 105, 106 n. 1,  
         108 n. 1, 275, 331, 619  
 Smith, Adam, 238 n. 3  
 Smith, Richard, General, 168  
 Smith, William, 313 n. 2, 494 n. 2,  
     507 n. 3, 515  
 Smyrna, 332  
 Society for Constitutional Information,  
     348, 367, 374 n. 2, 375 n. 1, 452,  
     489, 520, 521, 527, 542, 569 n. 6,  
     576, 621  
 Somers, John, 1st Baron, 575, 603  
 Somerset, Edward, 2nd Marquess of  
     Worcester, 245  
 Somerset House, 601  
 Spain;  
     war against, 134, 137  
     Spanish America, 83, 84, 159, 274,  
         298  
 Stafford, 222  
 Staffordshire, 222  
 Stanhope, Charles, Viscount Mahon  
     and 3rd Earl Stanhope, 114, 145,  
         179, 180, 287 n. 3  
 Stanhope, James, 415–16, 419  
 Stanislaw, Leszczynski, King of Poland,  
     559  
 Stanislaw Poniatowski, King of Poland,  
     463, 464  
 Stephen, James, 36  
 Stockdale, John, 150, 362 n. 2  
 Stormont, 7th Viscount, *see* Murray,  
     David  
 Strafford, 1st Earl of, *see* Wentworth,  
     Thomas  
 Stuart, Charles Edward, 'Young  
     Pretender', 322  
 Surrey, Earl of, *see* Howard, Charles  
 Sweden, 56 n. 2, 297, 559, 616  
 Switzerland, 297, 559  
 Tarleton, Banastre, 486, 595  
 Taylor, Michael Angelo, 326, 333, 353,  
     354, 602  
 Temple, 3rd Earl, *see* Grenville, George  
     Nugent  
 Thorpe, Sir Thomas, 252 n. 4  
 Thurlow, Edward, 1st Baron Thurlow,  
     214  
     and Regency, 250, 255, 570  
 Tobago, 106, 112–13, 114, 158  
 Tondou, Christophe-Pierre, 564 n. 2  
 Tooke, John Horn, 508  
 Torun, 558  
 Toulmin, Joshua, 314 n. 1  
 Toulon, 598–9  
 Towers, Joseph, 508, 509  
 Townshend, Charles, 172 n. 2  
 Townshend, George, 4th Viscount  
     Townshend, 149  
 Townshend, Thomas, 43 n. 1, 158,  
     161 n. 4  
 transportation of convicts, 32,  
     226–31  
 Trumball, John, 117  
 Turin, 592 n. 3

- Unitarian Society, 26, 362 n. 1,  
374 n. 2, 487-9, 494 nn. 2, 3,  
495, 507-9, 515
- Unitarians;  
debate on petition for relief, 6, 24,  
487-516  
political involvement of, 25, 306, 488,  
507-8, 510-11, 512, 513
- Utrecht, peace of, 237 n. 1
- Vancouver, George, 351 n. 2,  
Varennes, 475, 597
- Vattel, Emmerich von, 81, 93, 592
- Vaughan, John, General, 66, 67, 73 n. 2,  
91, 93, 94, 103, 107, 113, 114,  
116
- Venice, 518
- Verney, Ralph, 2nd Earl Verney, 180
- Vernon, Charles, 119
- Versailles, 291 n. 2, 475 n. 1, 498
- Virginia, 272
- Vyner, Robert, 142, 148, 149 n. 1
- Wales, Prince of, *see* George Augustus  
Frederick  
Principality of, 51 n. 3, 144-5,  
149
- Walpole, Horace, 477
- Walpole, Sir Robert, 132, 416, 483,  
515
- Walpole, Thomas, 109 n. 1
- Warburton, William, Bishop, 490 n. 2
- Warrington, 314 n. 1
- Warwick, 222
- Warwickshire, 222
- Watson Wentworth, Charles, 2nd  
Marquess of Rockingham;  
Burke's eulogies on, 151, 172, 234,  
256, 344  
political connection of, 1, 2, 3, 14,  
49 n. 2, 128, 130, 157, 359, 366,  
408, 409 n. 1  
second ministry of, 2, 4, 136-42,  
151 n. 1, 153, 155  
death of, 3, 12, 150
- Watt, James, Jr., 484, 569, 570
- Wedderburn, Alexander, 1st Baron  
Loughborough, 214, 574
- Wentworth, Thomas, 1st Earl of  
Strafford, 560
- West Indies, 31, 112, 297-8, 606, *see*  
*also* Grenada; Jamaica; St Kitts;  
St Vincent; Tobago  
American trade with, 163, 165-6,  
167  
Dutch, 66, 69, 87, *see also* St  
Eustatius  
French, 66, 158, 272, 619, *see also*  
Guadeloupe; Martinique; St  
Domingue  
hurricane, 69-70, 76, 87, 105  
merchants, 66, 107, 108
- Westminster elections, 149, 243,  
508 n. 3, 625
- Westphalia, peace of, 541 n. 1
- Whitefoord, Caleb, 164
- Whitgift, John, Archbishop, 316
- Whitmore, Thomas, 530
- Wilberforce, William, 272, 273, 275,  
276, 569 n. 3
- William I, the Conqueror, 432
- William III, 139 n. 4, 251, 323  
Declarations of, 429-30  
succession of, 292, 366, 412, 413,  
437
- William V, Stadtholder, 549
- William, Duke of Gloucester, 266
- William Henry, Prince, 101, 266
- Willis, Francis, 258, 260, 268
- Wiltshire, 222
- Windham, William, 38 n. 6, 181, 212,  
404, 511  
response to French Revolution, 487,  
548, 567, 571 n. 5, 587
- Windsor, 477
- Wolfe, James, General, 261 n. 3
- Woodfall, William, 36, 271, 281
- Worcester, 2nd Marquess, *see* Somerset,  
Edward
- Wraxall, Nathaniel, 8
- Wray, Sir Cecil, 149
- Wyvill, Christopher, 233

## *Index*

- York, Dukes of, *see* Frederick Augustus;  
Richard  
Yorke, Sir Joseph, 42–3  
Yorke, Philip, 1st Earl of Hardwicke,  
94, 409  
Yorkshire, 14, 49 n. 2, 221, 222  
Yorkshire Association, 15, 54 n. 2, 223  
n. 2, 233 n. 3, 485  
Yorktown, battle of, 99, 109, 112, 132,  
221, 244









































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